RIGHTS OF NATURE,

AGAINST THE

USURPATIONS OF ESTABLISHMENTS.

PART THE SECOND.

[PRICE TWO SHILLINGS AND SIXPENCE.]

" The greateſt part of the governments on earth muſt be concluded
" tyrannies, impoſtures, violations of the natural rights of mankind, and
" worſe than the moſt diſorderly anarchies."

EDMUND BURKE.

RIGHTS OF NATURE,

AGAINST THE

USURPATIONS OF ESTABLISHMENTS.

A SERIES OF

LETTERS TO THE PEOPLE,

IN REPLY TO THE

FALSE PRINCIPLES OF BURKE.

PART THE SECOND.

CONTAINING

First Principles: or Elements of Natural and Social Rights.

The Origin, and Distribution of Property.

And—The Feudal System.

BY JOHN THELWALL.

LONDON:

PUBLISHED BY H. D. SYMONDS, NO. 20, PATERNOSTER-ROW;
AND J. MARCH, NORWICH.

1796.

BRITISH MUSEUM

LETTER II.

FIRST PRINCIPLES: OR, ELEMENTS OF NATURAL AND SOCIAL RIGHTS.

I. *Falſe Principles of Burke examined and confuted—Gothic Cuſtumary rejected—Reply to the Argument of Vicinage.*—II. *Man conſidered as an individual—his Rights and Faculties—Natural equality.*—III. *Origin of Civil Society—its genuine Object—Subſerviency and Reſponſibility to the general Good.*

I. "THE operation of dangerous and deluſive firſt principles," ſays Mr. B. "obliges "us to have recourſe to the true ones*." Let us ſee, then, how far his own principles are dangerous and deluſive, and refer to the great code of Reaſon and Nature, to diſcover what are the true.

It is not, indeed, very eaſy to extract Mr. B.'s principles. His mode of writing is at once declamatory and dogmatical in the higheſt degree. Aſſertion and metaphor mingle in ſuch ſplendid

* For the quotations at the beginning of this Letter, ſee Rivington's edition of Burke's "Letters to a Member," &c. p. 108 to 116; or Owen's edit. p. 47. to p. 55.

confuſion; and facts without proofs, and concluſions without arguments, are ſo accumulated and involved, that it is almoſt impoſſible to decide what is to be regarded as premiſes, and what as illuſtration. The following, however, appear to be the principles upon which he reſts his arguments.

1. That "Men are neither tied to one another "by treaties and compacts," nor by "intereſts;" but "are led to aſſociate by reſemblances, by "conformities, by ſympathies."

2. That "War is the ſole means of juſtice "among nations:" and that "nothing can baniſh "it from the world."

3. That "the cauſe why many nations in Eu- "rope have been leſs ſeparated, in later times, "in the courſe of long and bloody wars, than "communities, apparently at peace in other pe- "riods, muſt be ſought in the ſimilitude through- "out Europe of religion, laws, and manners."

4. That the ſources of this ſimilitude are "the "feudal inſtitutions emanating from the old Ger- "manic or Gothic cuſtumary, improved and di- "geſted into ſyſtem and diſcipline by the Roman "law."

5. That "the ſeveral orders (which are called "States)" ariſing from this ſyſtem, may, if they chooſe, "*caſt off* Monarchy;" becauſe the force and form of the "inſtitutions called ſtates, have

"continued

" continued in greater perfection in Republican " communities, than under Monarchies." But,

6. That for any nation to form " a new ſcheme " of manners, in ſupport of a new ſcheme of poli- " tics," is an outrage againſt " the *aggregate* " commonwealth of Europe." [Hence he concludes—that " thoſe miſcreants," the French Republicans, have " made a ſchiſm with the whole " univerſe."]

7. That " the analogies which form the law of " nations, are to be drawn from the principles " which prevail in civil community."

8. That " the *Law of Neighbourhood* does not " leave a man perfect maſter of his own ground:" —as in the inſtance of *nuiſances*; which the neighbours " have a right *to repreſent to the* " JUDGE, *who*, on his part, has a right to order " the work to be ſtaid; or, if eſtabliſhed, to be " removed."

9. That " this right of denunciation does not " hold when things continue, *however inconveni-* " *ently* to the neighbourhood, according to the " *ancient mode*."

10. That " where *there is no conſtituted Judge*, " as between independent ſtates there is not, the " vicinity itſelf is the natural judge."

11. That " what in civil ſociety is a ground of " action, in politic ſociety is a ground of war."

From theſe premiſes, Mr. B. deduces, *gene-*

rally, " a right and duty," in the grand vicinage of Europe, to " prevent any capital innovation " which may amount" (in the judgment of that vicinage) " to the erection of a dangerous nui- " ſance ;" and, *particularly*, to perſevere, by proceſs of fire and ſword, by pillage, murder, and deſolation, to the abatement of that grand innovation, the French Revolution, and the reſtoration of the *ancient* (and therefore unimpeachable) nuiſance of which, heretofore, we ſo unreaſonably complained.—And this, I am told, is conſidered as the ſtrong part of Mr. B.'s pamphlet. It may be ſo: but, to me, at leaſt, its ſtrength, like that of Sampſon, is wrapped in myſtery. It muſt lie in the hair, or ſome other ornamental part; for, in the limbs and proportions of the argument, I ſee it not.

In the firſt place, the premiſes are too many, and too unconnected to ſerve as a baſis of juſt reaſoning. Firſt principles are, in their very nature, few and ſimple; and though the reſult of them, when demonſtrated, may in their turns, be uſed as premiſes, yet they muſt grow out of ſome common data, like branches from the parent ſtock, in all the ſimplicity of induction. It is the trick of ſophiſts to overburthen the memory with a crowd of intricate propoſitions, which dazzle where they ſhould elucidate, and confound where they ſhould convince.

1. 2. With reſpect to the propoſitions themſelves, the firſt and ſecond, inſtead of ſimple *data*, or ſelf-evident, elementary truths, are complex dogmas, which, at leaſt, require much argument to eſtabliſh them; and which, if eſtabliſhed, would not anſwer the purpoſe for which they are advanced. Thus, although it ſhould be admitted (as, "where there is no conſtituted "tribunal" to enforce the compact, we muſt admit) that "papers and ſeals" cannot, and perhaps ought not to "tie men to one another," that, "the intereſts frequently tear to pieces the "engagements, and the paſſions trample upon "both," yet the other branch of this propoſition is by no means a concomitant truth. "Reſem-"blances, conformities, and ſympathies," have, it is granted, much to do with *individual aſſociations*; but (torn and trampled upon by our unruly paſſions, as, in common with many nobler parts of our nature, they too frequently are) "the "intereſts" have ſtill more: and, even independant of all theſe, there are a thouſand accidents or neceſſities, imperious in their nature, by which paſſions, intereſts, and ſympathies are all, in innumerable inſtances, alike controuled. This, ſo true with reſpect to individuals, is ſtill more ſo of *national intercourſe*. "Diſtance of place," though it "does not extinguiſh the duties or the

"rights

" rights of men," not only alters their reciprocal claims and obligations, but weakens their ſympathies, reſtrains their paſſions, and reſigns them more completely to the influence of thoſe intereſts, thoſe neceſſities, and that habitual routine, the powerful operation of which, even in the cloſeſt intimacies of ſocial life, cannot be rationally diſputed.

I deny, then, in the main, the argument of ſympathies and reſemblances, as chief cauſes of confederacy, or intercourſe among nations: truſting—or, at leaſt (to ſpeak with more modeſty) *hoping*, that there is not much reſemblance, not much conformity, no very ſtrong and intimate ſympathy (however cloſe may be the alliance) between the Governors of this country and thoſe German and Ruſſian deſpots, whoſe ſanguinary ambition tore, with *cannibal* ferocity, the bowels of diſmembered Poland, and ſtrewed the ſtreets of Warſaw with unexampled maſſacre. But I concede to Mr. B. that among nations, as among individuals, the wild and irritable paſſions of inſolent prejudice, and fanatic pride, too frequently tear and trample upon the engagements of friendſhip and reciprocal intereſt. The ſenate of Britain, and the nations of Europe, bear recent teſtimony to this diſgraceful truth: and the tears that, in the former, added dignity to its brighteſt

brighteſt ornament*, were prophetic of the torrents of blood by which the other has ſince been deſolated. But that war ever was, or ever can be "a means of juſtice," is a propoſition ſo contradictory to all reaſon and experience, that whatever may be Mr. B.'s faith in the *trial by combat, by wager, and ordeal*, and the whole catalogue of ſuperſtitious "feudal inſtitutions, drawn from the "Gothic Cuſtumary," I for one muſt beg leave to demur; convinced that the juſtice of a cauſe is no more to be demonſtrated by ſuch appeals, than the exiſtence of witchcraft (another practice "emanating from the ſaid Cuſtumary)" by throwing old women into horſe-ponds, burning them if they ſwim, and drowning them if they ſink.

"When the ſword is drawn," ſays Tacitus, "and the power of the ſtrongeſt is to decide, you "talk in vain of equity and moderation: *thoſe "virtues always belong to the conquerer*.—Victory "transfers every virtue, and oppreſſion takes the "name of wiſdom†." Similar was *once* the opinion of Edmund Burke, when in one of thoſe ſublime tranſports of Republican enthuſiaſm, in

* I ſpeak of Mr. Fox as an *individual:* and, conſidering him in that point of view, who will refuſe the tribute of admiration, either to his heart or to his head? My opinion of *Party* is well known: the influence it has had in rendering his talents and virtues comparatively uſeleſs to the public, no one can more ſincerely lament.

† Manners of Germans. Murphy's Tranſ. vol. iv. p. 36.

which

which he indulged himſelf, in the diſcuſſions during the American war, he indignantly exclaimed—" Rebellion !—what is rebellion ?—*It is* " *written on the backs of thoſe who run away !!!*"

War is, indeed, a mean of any thing rather than of juſtice. It is a mean of revenge—of deſolation—of conqueſt----(It is a mean, alſo, of defence againſt hoſtile aggreſſion; and as ſuch, alone, to be defended; " The blood of man " ſhould never be ſhed but to *redeem* the blood of " man. The reſt is vanity; the reſt is crime.") It is a mean of ambition; and a mean of plunder. It is a mean of multiplying places and penſions; of encreaſing the emoluments and patronage of office; of murdering, oppreſſing, ſtarving the uſeful maſs to pamper the profligate and uſeleſs few: and ſo long as all power and government remain excluſively in the hands of theſe few, I fear, indeed, with Mr. B. that " no- " thing can baniſh it from the world." But the permanency of an evil can never juſtify its particular operation.

3. The dictum that follows is a perfect Burkiſm: cauſe is miſtated for effect, and effect for cauſe. That a general harmony of *manners* endears the reciprocations, and prolongs the intercourſes of ſocial life, is readily admitted; and that, in the preſent ſtate of human knowledge, and of human arts, theſe intercourſes and reciprocations,

procations, extend beyond the narrow bounds of a family—a neighbourhood—a nation, is a truth which the philanthropiſt admits with triumph. But the general intercourſe of Europe produced the ſimilitude, not the ſimilitude the intercourſe: and the manners (upon which I lay the principal ſtreſs—for in this reſpect, laws and religion have only a ſecondary influence) inſtead of emanating from the boaſted feudaliſm, have, in a conſiderable degree, abrogated its inſtitutions, or controuled their force.

As for the reciprocations exiſting between nations " in the courſe of long and bloody wars," —it is of little conſequence, I imagine, to the poor wretches who bleed, and *ſtarve*, in theſe deteſtable ſtruggles, whether the *enlightened* few, for whoſe advantage they periſh, are ſincere in their animoſities, or " do but murder in jeſt!"—whether, as in more barbarous times, governments immolate their hecatombs at the altar of revengeful ferocity, or, with the refinement of commercial œconomy, lead them to a common ſlaughterhouſe, to be butchered for a common benefit; and civilly ſhake hands over the bloody bargain. This, at leaſt, we know----that, in proportion as the boaſted intercourſe and urbanity improve, wars become more frequent, more laſting, and more deſtructive. In the lamented times, when nations were " more perfectly ſeparated," war

was only a ſort of ſabbatical paſtime for our rulers: but now, it is purſued, with true work-a-day aſſiduity, (in preparation or in act) ſix days out of ſeven, as for daily bread.

It may appear paradoxical, but it would not be difficult to prove, that the frequency and obſtinacy of wars, in later times, is to be attributed to the very circumſta ce which prevents the perfect ſeparation of the hoſtile nations. This circumſtance is not "ſimilitude of laws;" for they are made to hang poor rogues who *ſuffer by the warfare*, not to regulate the conduct of governors, who *decree* it:----not "ſimilitude of religion;" for the efficient rulers of the earth---the *trained politicians*, upon whoſe wiſe management the intercourſe is ſuppoſed to depend, have ſeldom (in reality) been of any religion at all. With them, from the very nature of their education, opinions are mere engines of ſtate; and the faith they gird on others, as a robe of ſanctity, is to themſelves a harlequin's jacket, that changes its faſhion with the exigencies of the moment, or is thrown off, as an incumbrance, when ſome daring leap is to be taken. Thus CICERO, *the oracle of the public forum*, upholds, with pious gravity, the very opinions which CICERO, *the philoſophical correſpondent of Atticus*, treats with contemptuous ridicule!---- Thus, "the Monarchs of France, *by a ſeries of* "*wars and negociations*, obtained the eſtabliſhment

"of

" of the proteſtants in Germany, while they were " deſtroying the proteſtants at home *!"---and thus heretics draw the ſword to protect the apoſtolic throne of St. Peter; as moſt Chriſtian Kings once joined in holy league with the Imperial ſucceſſors of the Arabian prophet.

The real cauſe of the phenomenon is to be ſought in the commercial ſyſtem; which, while it furniſhes the pretences and the means of war, ſtill keeps up a circuitous and clandeſtine, if not a direct and open intercourſe between the contending nations. This, alſo, it is which, not only more than treaties and compacts, but more than reſemblances, conformities, ſympathies---- more than *vicinity* itſelf, binds together the aggregate of nations into what Mr. B. calls the community of Europe.

4. 5. 6. From what remains, it appears----that, according to the *true firſt principles* of Ariſtocratic logic, all palatable and wholeſome knowledge muſt be derived from the maxims and inſtitutions of thoſe polite and erudite conſtitution-mongers, the Goths and Vandals of the fifth century; haſhed up (or, as Mr. B. has it, " improved and " digeſted)" with the decrees of deſpots and præfects of the Eaſtern and Weſtern Empire, into a ſort of politico-ſalmagundy of ſuperſtition, bar-

* Letters, p. 183. Thoughts, p. 126.

bariſm, incongruous tyranny, and mock morality; ſauced, ſeaſoned, and garniſhed to the true taſte of royal and ariſtocratical epicureaniſm, by thoſe ſcientific cooks, the juriſts and publiciſts of the Roman and Germanic ſchools. In other words, "the old Germanic or Gothic Cuſtumary, diſci-"plined, and ſyſtematiſed by the Roman law," is the great repoſitory of all elementary truths, whether of politics, of morals, or of manners!---- the ſource of all wiſdom and all *civilization!*---- the quarry from which are to be hewn the pillars of our freedom, and "the Corinthian capi-"tals of poliſhed ſociety!"

By the ſaid Cuſtumary is alſo to be decided what revolutions may, and what may not be made; and under what particular circumſtances, and for what particular purpoſes, monarchs may be *killed off*---"Caſt off," I believe, he calls it:---- but it is much the ſame----"the ſtates, or privi-"leged claſſes, orders, and diſtinctions" (of ancient, or of modern times) in whoſe behalf this revolutionary right is admitted, ſeldom demurring much between *caſting* and *killing* off, either monarchs or people, as beſt ſuited their ambitious purpoſes. In this country, in particular, they have generally preferred the latter: though inſtances of each abound. The *Hiſtory of England*, from the Conqueſt, is little elſe than a chronicle of uſurpations, and revolutions, and regicides.

With

With the ſolitary exception of imperial Rome, there is not ſuch a "Nation of Regicide" in the ancient or modern world:---But (barring one ambiguous inſtance) it was all for the privileged claſſes, orders, and diſtinctions;" and therefore, &c.----&c.----&c.——*See* BURKE'S RULES FOR KING-KILLING. *Rivington's edit. p.* 110!!!

[Ariſtocracy!---Ariſtocracy!---every thing is to be for Ariſtocracy!----Kingſhip may be annihilated, if Ariſtocracy does but monopolize the advantage; and the Revolution in 1688 was only right becauſe "the Prince of Orange was called "in by the flower of the Engliſh *Ariſtocracy*; "*ariſtocratic* leaders, who commanded the troops, "went over to him, with their ſeveral corps, in "bodies; and *ariſtocratic* leaders brought up the "corps of citizens who newly enliſted in this "cauſe*!"---As for what have been called the principles of that Revolution, it ſeems they are mere traſh! viſions and afterthoughts of Lock and his diſciples!---ſtalking horſes to amuſe "the four "hundred thouſand thinkers:" The real excellency of the event conſiſted in this, that the Ariſtocracy led the way, like herdſmen, and the people followed like ſheep!]

To the whole of this dogmatiſm I ſhall certainly object; and of courſe to the jargon about

* Sp. on Army Eſtimates, 1790. See Works of Ed. B. 4to edit. vol. iii. p. 14.

"breach

" breach of community--- outrage againſt the ag-
" gregate of nations," &c. and ſhall maintain the *political right* of France to make, within her own territory, whatever revolutions, when, and howſoever ſhe ſhould think fit: And by France, I certainly mean the *French people*---not the mere ſtates or privileged orders; who were no more France, than the laced lacquies of Earl Fitzwilliam are the *ancient and noble* family of Wentworth. They were the *ſervants* of France; and, finding them to be unprofitable and unfaithful ſervants, ſhe called them to account for their innumerable frauds and impoſitions, ſtripped them of their liveries, and turned them off.

I repeat it, France, thus conſidered---the aggregate body of France, always had (and always muſt have) a *political* right to make, within her own territory, whatever revolutions ſhe thought fit. I ſay nothing, in this place, of the *moral* right: that muſt depend upon the provocations, cauſes, objects: and one country has nothing to do with another, further than reſpects external political relations. Morality or immorality is an abſtract queſtion, to be decided by the conſcience of the country, not by the *Military Tribunal* of the vicinage.

To proceed---In the firſt place, I deny that the Germanic or Gothic cuſtumary is, or that any cuſtumary or eſtabliſhment can be, in point of right,

right, the authoritative repoſitory of firſt principles: and for this reaſon---Either that cuſtumary or eſtabliſhment muſt have been eternal, or it muſt have had an origin. This claim of eternity no European eſtabliſhment has the modeſty to prefer. They muſt have *originated*, therefore, in *chance*, in *uſurpation*, or in *right*. If in chance, they can be no authorities; and we muſt look in them, not for elements, but for incongruities; not for firſt principles, but a chaotic maſs:---If in uſurpation, they are only precedents of wrong; and precedents of wrong cannot be authoritative ſources of the principles of right. Right principles may, it is true, become incorporated with them---good fruit engrafted upon a bad ſtock: but you are not, therefore, authoriſed to pronounce, by mere reference to the trunk, that whatever it produces is good. If they originated in right, then had they *a right to originate*; and their very exiſtence is a precedent ſanctifying that principle of innovation they are ſo frequently quoted to bar.

Deny me this; and you deny to man, in one age and period of the world, that free, or moral agency, which, in another, you are obliged to admit: In other words---You unhinge the great ſyſtem of the univerſe, and ſubſtitute in its place, a chaos of your own creation; in which man is no longer man---no longer an organiſed being of a diſtinct

a diſtinct and regular ſpecies, propagating, from race to race, his particular kind; but an anomalous deformity, owing his exiſtence to a ſort of equivocal generation; neither deriving nor imparting a ſpecific nature, nor holding a fixed ſtation in the ranks of being.

Have I jumped too ſuddenly into this concluſion?---Mark the ſteps that lead to it. If theſe eſtabliſhments had not a right to originate (I repeat it) they could not originate in right. The right of theſe eſtabliſhments to originate could only ariſe from the nature and circumſtances of man, *for* whom, and *by* whom, they originated. If it was right that they ſhould originate by man, man had a right to judge of the propriety of their originating; and, conſequently, of the propriety of the eſtabliſhments themſelves: and, if that propriety aroſe out of the nature and circumſtances of man, his right to judge of their propriety neceſſarily included a right to judge of his own nature and circumſtances, and to modify the eſtabliſhments accordingly. The concluſion is---that either the nature of man is changed (for his rights grow out of his nature, and without change of nature there can be no change of rights) or elſe he is ſtill at liberty to judge of his own nature and circumſtances, and to originate ſuch eſtabliſhments as that nature, and thoſe circumſtances require. In other words---*Eſtabliſhments*

cannot

cannot decide upon Firſt Principles; but Firſt Principles muſt decide upon Eſtabliſhments.

I ſay again—The very exiſtence of eſtabliſhments ſupports theſe principles: for (hiſtorically ſpeaking) how came they to exiſt?—By *innovation:* by the overthrow of prior eſtabliſhments, on the ruins of which they have been eſtabliſhed. I ſpeak not of particular caſes. I ſpeak *of all*—all eſtabliſhments, civil or religious, of which hiſtory has preſerved the traces.

Was not the preſent *Church of England* an innovation? Is it not founded upon the ruins of that papal eſtabliſhment, which, in ſpite of the proud pleas of preſcriptive reverence, and the ſanction of adoring ages, was obliged to give way, with its whole train of adulterous corruptions, and their cowled and mitred hoſts of *penſioned* advocates, to doctrines more congenial to the ſentiments of the nation, and the eſtabliſhment of more ſimple rites? And, where did the reformers of thoſe days look for their authorities?----To the Cuſtumary of Rome----its legends of ſaints, and inſtitutions of holy feudaliſm? No: theſe they rejected, as codes of obſolete prejudice and records of impoſture, and appealed to the firſt principles (or what they regarded as firſt principles) of the religion they endeavoured to purify.

Was not *Chriſtianity* itſelf eſtabliſhed (if that

which Conſtantine eſtabliſhed can be regarded as Chriſtianity) upon the ruins of Paganiſm?----and did the firſt Chriſtians appeal, for the principles and elements of their faith, to the codes and digeſts of the Pagan inſtitution? or, did they refer to data which they accounted of higher authority, more conformable to their reaſon, and more adapted to their nature and circumſtances?

Paſſing from religion to politics----from Conſtantine the Great to George the Third----Is not our preſent eſtabliſhment, with all the fruitful bleſſings of the *Brunſwick ſucceſſion*, an innovation on the prior eſtabliſhment of the Houſe of Stuart? And did not Sir Robert Filmer, like Edmund Burke, fulminate his anathemas, with pious rage, and dogmatiſe with *his firſt principles of prejudice and abſurdity*, drawn from the Pandects and Inſtitutes of expiring deſpotiſm? But the reformers and innovators of the age, with Somers, Locke, and Sydney at their head, appealed to the code of Nature for more genuine principles; and the clouds of ſophiſtry were ſcattered by the rays of truth.

Nay, was not *Hereditary Royalty*, itſelf, introduced by innovation into Britain? Our Saxon anceſtors knew it not*. Their Chief Magiſtrate,

* See Lord Somers—(Judg. of Nations, ¶ 6.) and the authorities he quotes. "I never deſire," ſays B. (Ref. on Fr. Rev. Works,

trate, it is true, held his office for life: but he was *elected* by the ſtates; and the crown, at his demiſe, returned to thoſe who gave it.

True it is, that from attachment, and from ſuperſtition (for the Saxon princes had alſo their pretenſions of divine right—their fabulous deſcent from Woden, and their expedients of papal conſecration!) the choice was generally confined to a particular family; but infancy, crimes, or imbecility, were ſufficient bars to the ſucceſſion; and the title of the office ſtill indicates the qualification once thought neceſſary for the important truſt. But if the throne, under the Saxon, was the property of the people, the nation, under the Norman, became the property of the king. He bequeathed it, as we bequeath our chattels, by his will; and, if no fortunate adventurer happened to anticipate the nominee, in the ſeizure of the royal treaſures, he ſucceeded, without a

Works, vol. iii. p. 43) "to be thought a better Whig than Lord "Somers;" And this obſervation he makes while combating Dr. Price's maxim of the right of electing Kings. It is a little remarkable, however, that Lord S. in the book juſt quoted, maintains not only the ancient, but the *inalienable* right of Britain, and all other nations, "to elect their governors, and "caſhier them for miſconduct." It is ſtill more remarkable, that this treatiſe of Lord S. ſhould be one of thoſe books which Mr. B. alludes to, as having been ſo charitably circulated by the Soc. for Conſt. Inform. but which he doubts whether any body was ever ſo charitable as to read. Reſl. &c. p. 24.

murmur, by the divine right of royal teſtament, and "held his crown in contempt of the people." At length the anarchy of regal robbery and teſtamentary ſucceſſion, yielded to the ſettled order of hereditary deſcent; and, ſubject to the controul, and the wiſdom of parliament, hereditary it has been ever ſince.

Finally—Does not even the old Germanic, or Gothic cuſtumary, with all its emanating feudal inſtitutions, derive its origin from a great and general innovation?—an innovation of the moſt dreadful kind; which was, indeed, every thing that Mr. B. would repreſent the French Revolution to be!---an innovation of ignorant barbariſm; whoſe ſole object was plunder; and whoſe means were fire and ſword, rape, maſſacre, and deſolation!---an innovation whoſe ſmalleſt crime (if among its crimes, all things conſidered, that circumſtance can at all be reckoned) was to have broken to pieces an inſtitution the proud growth of twelve ſucceſſive centuries, and ſubverted an Imperial eſtabliſhment of five hundred years. And yet with the *Alerics* (male or female*) who, to ſatiate their

* The paſſages, in this deſcription, marked with inverted commas, are quoted from Gibbon's account of the ſack of Rome by the Goths, in the year 410. (Decl. and Fall of Rom. Emp. vol. v. p. 310, 311, and 344, 8vo. edit.) Thoſe in *italic*, from the *D. of Brunſwick's famous Manifeſto* (Art. 7. and 8.) and the *Additional Declaration* with which it was ſhortly followed

their brutal " appetite for plunder and revenge," would " deliver to the licentious fury of the tribes " of Germany and Scythia," the nobleſt city of the world; abandon to *military execution all who ſhould dare to defend themſelves*, or even neglect to *aſſiſt the invader, with all their might, and by every means in their power*; and, in the midſt of rapes and general conflagration, " fill the ſtreets with " dead bodies," and " extend the promiſcuous " maſſacre to the feeble, the innocent, and the " helpleſs"—With the *Attilas*, who may boaſt, with ferocious pride, " that the graſs never " grows on the ſpot where their horſes tread *" —With the *Gundobalds*, who piouſly declare, that " war is the means of juſtice," ſucceſsful ſlaughter the fiat of Providence, and conflagration the

followed. For a practical comment, trace over the blood-track of the fiend *Zuwarrow*—conſult the Ruſſian maſſacres of Iſmael and Warſaw; at the latter of which places, a vanquiſhed, unreſiſting multitude of ſix-and-twenty thouſand people, men, women, and children, were murdered by royal authority. I bring theſe circumſtances together, that the reader may ſee at once what theſe *Goths* have been, what they would be, and what they are. I do injuſtice, however, to the dead, when I compare the ancient with the modern Alerics, or compute what Paris was threatened with, by what Rome ſuffered. The proclamation of the *barbarian of the 5th century*, " when he forced " his entrance into Rome, exhorted the ſoldiers to ſpare the " lives of the unreſiſting citizens." p. 311. The *barbarian* of the preſent day exclaims, with more brutal ferocity, " murder " all who do not aſſiſt you ! !"

* Ibid, vol. vi. p. 126.

award

award of God*—With theſe we are to contend, to extermination, for the perpetuity of their ſyſtem: if "in the progreſs of ſociety, arts and "ſciences diffuſe *new lights*," and new ſyſtems ſhould, "by conſequence," ariſe†; "mingling the "martial

* "Is it not true," ſaid the King of Burgundy, to the Biſhop, "that the event of national wars, and private com-"bats, is directed by the judgment of God; and that his pro-"vidence awards the victory to the juſt cauſe?" Ibid. p. 352. —Where is the eſſential difference between the Barbarian of the fifth, and the Courtier of the eighteenth century?

† "Is it true," ſays a dedicatory echo of Burke's politics, "that, in the progreſs of ſociety, arts and ſciences have diffuſed "*new lights*, and the civil union, being, *by conſequence*, better "underſtood," &c.—MURPHY'S TACITUS, Notes, vol. iv. p. 187. Thus is it directly acknowledged, that in proportion as new lights are diffuſed by the progreſs of knowledge, the principles of political aſſociation are better underſtood. Yet this faint copyiſt, like his eccentric maſter, is an advocate for the perpetuity of the old Gothic Cuſtumary; and, with all the admitted improvements of ſocial ſcience, would fetter us to the inſtitutions which, twelve or fifteen hundred years ago, were fabricated, by ignorant ſavages, in "the woods of Germany." I cannot reſiſt the temptation of referring the reader to this curious *Commentary*; where, eſpecially in the "notes on the life of "Agricola," (if he has patience to wade through the heavy maſs of common-place criticiſm and trite illuſtration, which, with true book-making aſſiduity the tranſlator has heaped upon his invaluable author) he will find as curious a haſh of inconſiſtency and contradiction as ever was produced by the deſpicable attempt to maintain a ſyſtem in the teeth of all the facts of hiſtory. Tacitus, with a mind imbued with all the principles of the old Republicaniſm, and a heart warm with all thoſe humane and generous feelings, which it is the very nature of deſpotiſm to trample under foot, is, it muſt be confeſſed, an unfortunate

" martial ſhouts of Barbarians with the ſound of " religious pſalmody *," we are to wage eternal war, " not with their *conduct*, but with their ex- " iſtence †:" and if we cannot ſucceed in ſecuring immortality to Gothiſm, at leaſt, we are to be " buried under its ruins ‡;" and the evening is to cloſe, as the morning broke, upon ſcenes of devaſtation and carnage.

7. As for " the analogies which form the law " of nations,"—I deny, in the firſt place, that any ſuch thing as a law of Nations, does, in fact, exiſt. While that republic of princes, the Germanic conſtitution, was any thing more than an expenſive mockery, there was, indeed, a ſort of public law of Germany----or, more correctly, perhaps, a pact of conſpiracy againſt the reſt of

unfortunate text-book for an advocate of oppreſſion; and the picture he has drawn of the jealous tyranny of Domitian, with his ſpies and informers, and mock trials for treaſonable and ſeditious writings, is, one would imagine, a ſtrange ſubject for illuſtrating the propriety of making " the common hangman " chief corrector of the preſs, and ſuppreſſing " innovations, " clubs, and ſchiſmatics," by a ſyſtem of perſecution. Ibid. p. 346 to 349, in particular. Mr. M. however, gets through with it, as well as he can, and Tacitus is, for the firſt time, enliſted on the ſide of tyranny.

* Gib. vol. v. p. 313. See alſo, our prayers and ſermons for faſt days.

† Letters, p. 141.

‡ " Under the ruins of *the civilized world*," is Mr. B.'s expreſſion (p. 20): but he has before explained, that nothing in the world is civilized, but the Gothic Cuſtumary.

Europe;

Europe; as, in the ancient world, during the exiſtence of the Amphictyonic league, there was alſo, a public law of Greece: but as for a law of nations, in any accurate, or extenſive ſenſe, this is one of the ſublime ſpeculations of modern Jacobiniſm----a germ of *univerſal peace and fraternity*----a mere philoſophical embrion, crude, as yet, and uncounted in the world of being; though ſo impregnated, I believe, with the quickening ſeeds of truth, that it cannot fail of an eventual birth. At leaſt, I am one of the *incorrigibles* who expect to behold ſomething more than the cradle of its infancy; and who expatiate in the alluring hope of bequeathing to poſterity the tranquil ſecurity and ever-growing bleſſings which the maturity of ſuch an inſtitution might diſpenſe. At preſent, however, no ſuch terreſtrial Providence exiſts. The moral agency of governments is reduced to no fixed principle; and while individuals, in their particular communities, are condemned to the cells, and fetters, and ſtrait waiſtcoats of oppreſſive and ſuperfluous laws, the great community of nations remains in a ſtate of anarchy; and madmen and ruffians pillage, murder, and deſtroy at pleaſure.

Grotius and Puffendorf may be quoted to eternity, and their learned duſt thrown, upon *every occaſion*, in the eyes of an ignorant multitude: but the governments, who quote them, laugh at their

their own juggle. Theſe equivocal appeals are uſed by ſtateſmen for no better purpoſe than to blind the people when they would lead them into war: as horſes are muffled that they may be tied to the mill; or as the Spaniard, at his bull-fight, ſhakes his robe at the boiſterous victim, and dazzles him while he ſtrikes the blow.

8. The analogy, then, is deficient in an eſſential member. The *vicinage* can appeal to no common law*, declaring what is *nuiſance* and what is not. It can plead no compact, no delegation or convention, real or *virtual*, in any period of the world, aſſenting to the eſtabliſhment of ſuch law: no impartial arbitrator—no conſtituted organ by which the deciſions of ſuch law could be pronounced. Mr. B.'s *vicinage* is a jury in its own cauſe. It is, indeed, upon a large and tre-

* Nothing in the regions of political dogmatiſm can be more ridiculous than Mr. B.'s idea of a law of nations. In the addendum to his laſt edition (p. 160*) he talks of "the treaty "of Utrecht" as "one of the fundamental treaties that com-"poſe the public law of Europe." That is to ſay (to try him by his own teſt of analogy) two or three neighbours fall together by the ears, proceed to box, kick, cuff, break heads, and fracture limbs, till they are tired; and at laſt ſet themſelves down over a bottle, reconcile old differences, and enter into ſome mad or profligate agreement of ſuppoſed mutual advantage; after which they take upon themſelves to ſay—this ſhall be a part of the fundamental law of the vicinage. If our neighbours do not conform to it, let us ſet their houſes on fire, and ſatisfy public juſtice by conflagration and plunder.

mendous ſcale, *a ſelf-conſtituted Revolutionary Tribunal* fulminating the barbarous deciſions dictated by its own blind paſſions and perverted intereſts, and alternately carrying them into execution, by military violence, or yielding its own neck to the triumphant victims it had wantonly and impotently condemned.

9. 10. 11. The very admiſſion, in the tenth propoſition, that "between independent ſtates "there is no conſtituted judge," before whom "the denunciation" can be brought, would, therefore, be ſufficient to bar the analogy. But the objection reſts upon ſtill ſtronger grounds. The *reaſon* of the law of civil vicinity, does not apply to the vicinage of nations: and Mr. B. is too ſcientific a lawyer to deny in *theory*, though he may be too profeſſional a lawyer, having taken ſo good a fee, to admit in *practice*, that the *reaſon of the law* is its nobleſt and moſt eſſential part.

Neighbours in a civil community, have their *common*, as well as their *individual rights*; the former derived from nature, and ſecured (or meant to be ſecured) by the ſpecific compact under which the community exiſts; the latter, generally ſpeaking, created by the compact; and growing out of its ſpecific proviſions; and, therefore, fit objects of ſuperintendance and reſtriction to the authority under which they exiſt. [Nations have, alſo, their common as well as individual rights: but

but neither the one nor the other originate in compacts of vicinage—for between the community of nations no ſuch compact exiſts. *They* are bottomed, all, in nature; and by the principles of nature they muſt be tried.] It is the duty then of every civil community to take care, that the *ſubordinate rights of compact* do not encroach too far upon the *common rights of nature*, as, "if a man "were left perfect maſter of his own ground," might be the caſe. Hence the right of denunciation in the reſpective neighbourhoods; and tribunals for the abatement of nuiſance. But this nuiſance, I repeat it, muſt conſiſt in the particular invaſion of ſome common right: The law, in this reſpect, being a ſort of aſſertion of the original equality of man; who, though he has yielded much to compact and individual appropriation, yet retains a ſort of quit-rent, as an evidence of his title, and a veſtige of his common right. Thus, for example, *Man has naturally an equal claim to the elements of nature*; and although earth has been appropriated, by expediency and compact [for the baſis of which appropriation ſee the following Letter] light, air, and water (with ſome exceptions) ſtill continue to be claimed in common.

The light which illumines my premiſes, belongs equally to my neighbour as to me: it is therefore a nuiſance to block it out. The air I

breathe muſt be breathed, alſo, by him; and the ſtream that flows through my garden waters his: If I ſtop the one with a dam, or poiſon the other by "a peſtilential manufactory," I make my individual right of compact a mean of uſurpation upon the common and ſuperior rights of nature: in other words, I commit a nuiſance; and it muſt be abated.

In theſe, and like inſtances, the innovation, and rightly, conſtitutes the nuiſance; and you cannot abate what is "according to the ancient mode:" for property is, upon both ſides, concerned; and all property, except the actual produce of individual labour, comes by compact: you muſt take it, therefore, as the compact gives it. With reſpect to "brothels and night-cellars for thieves, "murderers, and houſe-breakers," the caſe is different. The common rights of the immediate neighbourhood may be, in ſome degree, annoyed; but the principal nuiſance is to the community at large, and conſiſts in the danger to the morals and ſecurity of ſociety; over which the laws, made, or pretended to be made, by and for the whole, have "a right, and a duty, to preſide. The proprietors, therefore, of theſe ſeminaries, the other parts of the denunciation being clearly ſuſtained, would not, I conceive, be at liberty to plead "that they were *old creations*." Neither, I preſume, would the plea of "old creation" anſwer

ſwer the purpoſe of a proprietor indicted for not taking down a tumbling houſe: and even Mr. Juſtice Reeves (whoſe duty it is, in this diſtrict, to preſide over ſuch preſentations) would be obliged to acknowledge, that buildings may become nuiſances by being too old, as well as by being too new.—But how does this reaſoning apply to nations?

Mr. B. tells us (and he gives us abundance of hard words for proofs) that the *new erection*, in France, is a peſtilential nuiſance. Some French declaimer may, perhaps, as dogmatically affirm, that the old erection, in England, is a tumbling nuiſance: that, partly by the ravages of time, and ſtill more by the ſapping and mining arts of its pretended guardians, the beams are disjointed and the foundations gone. But what of all this? —If their *innovation* is ſo peſtilential a nuiſance, ſo much the worſe for them: for they muſt live in the ſtench. If our *old edifice* is a tumbling nuiſance, ſo much the worſe for us: for our houſes will be endangered by the fall. But the pillars of our conſtitution will not tumble upon their heads: nor will their peſtilential manufactory poiſon our air. Let them build, and brew, and innovate, in what manner they pleaſe; but the light will ſtill ſhine as bright as ever—the air ſtill refreſh us with its wonted purity—the dews of heaven fatten our land, as heretofore, and the ſea

flow

flow on, regardleſs of their dykes and mill-dams. As for the contents of their *night-cellars*, they would ſcarcely have come ſo far to rifle *our* travellers, and break *our* houſes; or, if they had, we have police officers enough to bring them to juſtice—as ſoon as they would *fetch their weight*.

In ſhort—Hoſtility there may be between nation and nation, and injuſtice there may be in a thouſand ſhapes; but there can be no ſuch thing as nuiſance. All that Mr. B. declaims about—all the arguments of miniſters, and all the proclamations, declarations, manifeſtoes, &c. of all the allies, amount to no more than this—that France has *ſet an example* which the old governments of Europe (and I do not wonder at them) are not diſpoſed to approve. But in what part of "the "prætorian law" does Mr. B. meet with *the nuiſance of example?*

If my neighbour upholds doctrines I do not approve—if he is addicted to practices which I conſider as immoral—if he keeps a ſwarm of concubines, or, what I regard as ſtill more vicious, ſwears at his ſervants and whips his children—if he makes his drawing-room his kitchen, entertains his gueſts in a cellar, ſtirs his fire with a ſilver ſpoon, and ſleeps in the cock-loft, or the gutter, I may pity him as a madman, or renounce his acquaintance; but do I indict him for a nuiſance, with an aſs's plea, that I am in danger of being ſeduced by his example?—It is a moſt impolitic

conceſſion

conceſſion made by the old governments, when they ſo vehemently proclaim, that if their ſwords do not overthrow the French Republic, the example of the French Republic will overthrow them!

II. Having ſwept away the rubbiſh of the Gothic cuſtumary, and proved Mr. B.'s firſt principles to be no principles at all, I proceed to examine the queſtion upon the broad grounds of reaſon and moral juſtice: for though I deny, altogether, the right of foreign interference, and conſider no war as juſtifiable, but a war of ſimple and abſolute ſelf-defence, war or peace, under exiſting circumſtances, is an inferior conſideration; and the preſent conteſt muſt be regarded with diminiſhed abhorrence, if the principles of reaſon and juſtice will not vindicate the Revolution againſt which it has been directed.

Jacobiniſm then (like all other ſyſtems) is to be tried by reference to the firſt principles of nature. If it is conſtituted of theſe elements, then is it limbed in adamant; and in vain ſhall the puny lance of ſophiſtry aſſail "its coloſſal "form." If theſe elements enter not into the compoſition, then is it, indeed, "a vaſt, tre-"mendous, unformed ſpectre," and "the over-"powered imagination" cannot be too ſoon relieved from the deluſion. Let the light of reaſon be the teſt; and we are willing to abide the iſſue.

iſſue. If Jacobiniſm be a ſpectre, before that light it will moſt aſſuredly flee. If it abides the ſearching rays of enquiry, I, for one, will lean againſt it, with confidence, as the bulwark of my integrity, and the rock of my ſtrength*.

Let us enquire, then, *what* JACOBINISM *really is?*—not what it is repreſented by Mr. B.—*What the* OLD GOVERNMENTS *of* EUROPE *really are?*—not what their advocates would wiſh us to believe them.

Properly to decide theſe queſtions, we muſt travel a great way back, out of our preſent habits and modes of thinking: We muſt conſider, *What man is by nature?* and, *What ſociety has made him? What are his powers and faculties, and* (if I may ſo

* In this diſcuſſion I adopt the term *Jacobiniſm* without heſitation—1. Becauſe it is fixed upon us, as a ſtigma, by our enemies: and they who ſhrink from epithets of unmeaning reproach, are deficient in the fortitude neceſſary for diffuſing a grand principle.—2. Becauſe, though I abhor the ſanguinary ferocity of the late Jacobins in France, yet their principles, generally ſpeaking, are the moſt conſonant with my ideas of reaſon, and the nature of man, of any that I have met with: and it might be proved, from B.'s own confeſſions, that their profligate conduct aroſe not out of the *new principles*, but out of the corrupt and deteſtable character formed under the *old ſyſtem*. But though I adopt the name, I ſhall not ſervilely copy their maxims. I ſhall dare to think for myſelf. Having rejected the Old Teſtament of Gothiſm, I ſhall not adopt, with implicit ſubmiſſion, the new Koran of the Robeſpierians. I uſe the term Jacobiniſm ſimply to indicate *a large and comprehenſive ſyſtem of reform, not profeſſing to be built upon the authorities and principles of the Gothic cuſtumary.*

expreſs

expreſs myſelf) *his capabilities?* and, *What his actual condition?*

The whole argument of the enemy—the ſoul that animates the ſplendid eloquence of Burke, and the vapour that inflates the mediocrity of Pitt, emanate from the hypotheſis that in the old ſyſtems every thing is right: at leaſt as right as the nature of man admits. If this be true, and I can be ſhewn the truth, *Be they immortal!* ſhall be my dying words. We, on the contrary, affirm, that there is, in theſe ſyſtems, much that is corrupt and oppreſſive; much that is injurious to the comfort and morals of mankind, repugnant to his nature, and hoſtile to his very exiſtence. Nay, ſome there are, who conſider the whole frame of ſociety as radically vicious; founded upon falſe principles, and ſupported by ſyſtematic oppreſſion.

In differences ſo important, to what authority ſhall we appeal? To the tribunals of our opponents?—to the fields of ſlaughter? No: Nature—the great frame and deducible principles of the univerſe, muſt decide the queſtion. When I talk, however, of nature, and *the natural condition of man*, I do not refer to any ſuppoſed era of perfect happineſs, or poetical viſion of a golden age: neither do I mean to argue upon any theological or philoſophical hypotheſis of origin or creation. The fact is, that the world is known to us only

as a populous world; and man as a gregarious animal. How he originated, and what was his ſolitary condition (if ſolitary it ever was) are queſtions that may amuſe our fancy, or exerciſe our faith; but with political enquiry they have nothing to do.

Little more concern have we with narratives, or fables, of the origin of civil inſtitution. This is a ſubject more profitable in ſpeculation than as matter of hiſtory. It is of little conſequence what circumſtances produced, or what motives influenced the firſt formation of political ſocieties: for precedents of wrong cannot alter the nature of right. It is more important to diſcover what the objects of aſſociation ought to be, than to be informed what they actually have been. Fortunately, the moſt important is, alſo, the moſt practicable enquiry. Hiſtory, obſcure with reſpect to the early tranſactions of particular ſtates, is, of neceſſity, ſilent as to the beginnings of conſtituted ſociety. But politics has its romance, as well as natural philoſophy; and the former, as the latter, can produce its Burnets and its Buffons, to fill up the vacuum of authentic record with Hiſtories of Unknown Ages, and Chronicles of ſuppoſitious Facts. Even the ſage Polybius, like the eccentric Burke *, has indulged his fancy

* Polyb. *Gen. Hiſt. B.* vi. *Ext.* 1. Burke's *Vind. of Nat. Soc. Works, 4to Edit. Vol. I.*

with

with diſcoveries in this *terra incognita* of human hiſtory; ſhewing us how government was firſt inſtituted, and wherefore it firſt began. Such whimſies amuſe, but they cannot inſtruct us. The fact is, we are not only unacquainted with ſolitary man, but with ſociety uninfluenced by political compact. Even the ſavages in the recently diſcovered iſlands, have their forms of ſettled inſtitution, and have made *ſome* progreſs in the arts of government: and a "Society founded "in natural appetites and inſtincts, and not in "any poſitive inſtitution *," is to be ſought only in the pages of ſophiſts and viſionaries.

The only apparent exceptions (and they are exceptions big with inſtruction) are in the inſtances of *founding new ſtates*; either by emigration (as in the caſe of Rome, and ſome of the American provinces;) or by the breaking up of old governments (as in France and Holland.) To neither of theſe inſtances, however, can we look for examples of ſimple origin. They are only *great changes* in political ſociety: and though, in the former, men ſeek new territories, to try new experiments, yet "communities" (as B. rightly expreſſes it) "do not conſiſt in geographi-"cal arrangement, or a denomination of a no-"menclator;" and, although, in the latter, they

* Burke's *Vind. Nat. Soc. Works, Vol. I. p.* 11.

ſhould utterly deſtroy the very baſis of former tyrannies, yet they neceſſarily retain the ideas, paſſions, habits and experience, derived from the ſtates of political ſociety, under which they have lived: they are, therefore, in both inſtances, innovators, rather than founders. As far, however, as theſe habits and paſſions would permit, men have always, under ſuch circumſtances, appealed to firſt principles. The vague and floating ideas of equal and common rights, which no ſtate of ſociety can entirely eradicate, embody themſelves on ſuch occaſions, and extort reverence even from the profligate, and homage from the ambitious. Thus, by the advice of Romulus their leader, as we are informed, by Dionyſius of Halicarnaſſus, (B. I. and II.) the promiſcuous throng of emigrants and refugees who founded the Roman ſtate, not only elected their government, and choſe their governors by UNIVERSAL SUFFRAGE—from the king and the ſenators to the pettyeſt annual officer, (without excepting even *the King's body guards*;) but, taking poſſeſſion of an uninhabited, and unappropriated ſpot, they divided the land alſo among them, in equal portions. Thus alſo in France, though the ſettled claims of property prevented a diviſion of lands (and, whatever Mr. B. may inſinuate, certainly it has not even been attempted,) very determined efforts were made to eſtabliſh an *Equality of Rights*:

and

and although (through the bloodthirſty ferocity of ſome of its advocates) the attempt, in its full latitude, has miſcarried, yet much—very much has been effected, and the franchiſes of mankind are conſiderably enlarged.

But though neither hiſtory nor obſervation furniſh any examples either of unaſſociated man, or of ſociety without ſome ſort of political inſtitution, yet is it not difficult to form a diſtinct idea of what may be called the natural condition of man: that is, to diſtinguiſh, in our minds, between what the individual has derived from nature, and what has been conferred, or abrogated, by civil ſociety. When I talk, therefore, of *man in his natural ſtate*, I mean to conſider him *ſimply as an individual, ſtripped of all the relationſhips of Society, independent of its compacts, and uninfluenced by its reciprocations*. This abſtraction is abſolutely neceſſary for the impartial examination of the ſubject: for the rights of man muſt grow out of the nature of man; and the excellence of all ſocial inſtitution muſt conſiſt in its conformity to that nature, and the ſecurity of thoſe rights. But how ſhall we know what thoſe rights and that nature are, till we have properly diſtinguiſhed between the qualities of the individual and the ſophiſtications of ſociety.

The rights of man, thus conſidered, are ſimple in their elements. They are determined by his wants,

wants, and his faculties; and the means preſented by the general ſyſtem of nature (that is to ſay, by the frame and elements of the material univerſe) for the gratification of the former, and the improvement of the latter. I repeat it, the natural rights of man, conſidered as an individual, are determined by his wants, his faculties, and his means. They have no other bounds. I care not upon what hypotheſis of man you proceed: whether of creation, of eternal ſucceſſion, of chance, of neceſſity, of inherent laws of matter and motion, or what not: for a treatiſe on government, like government itſelf, ſhould be of no ſect—but accommodated to all. All lead to the ſame concluſion: for here is nature, or the univerſe; and here is man, chief tenant of that univerſe! child and creature of that nature! and heir to its circumſtances, its bleſſings, and its woes! However man came, circumſtances came with him. However man received his intelligence, that intelligence gives him a certain power, and a right commenſurate with that power, over the unintelligent, or phyſical univerſe; and his faculties themſelves are a title to their enjoyment. Was the univerſe created by a God?—that God created man alſo, a part of that univerſe, with all his wants and faculties; and by creating both the wants and the things wanted, HE dictated the

rights

rights by the means*. Did man and his faculties exiſt from eternity?—then a univerſe, conformable to thoſe faculties, has, likewiſe, eternally exiſted. The natural wants and the natural means are ſtill coeval; and *Fitneſs is the Law of Right.* The other doctrines are embraced in theſe two extremes; and thus have we a baſis upon which all ſects may argue the great, the univerſal cauſe of Juſtice, of Liberty, and Man.

This baſis may be laid in the following axiom —*Man, from the very circumſtance of his exiſtence, has an inheritance in the elements and powers of nature, and a right to exerciſe his faculties upon thoſe powers and elements, ſo as to render them ſubſervient to his wants, and conducive to his enjoyments.* In other words—Man is the ſovereign; the material univerſe is the ſubject; his faculties are the powers by which he enforces his authority; and expediency is his rule of right. He is a deſpot, to the limit of his power, over the phyſical univerſe; and he has a right to be ſo. But this very right precludes him from deſpotiſing over his ſpecies: for the argument that applies to one, is of force for

* I do not mean to ſay that, in *morals*, the means neceſſarily include the right of gratification. This would be a horrible ſophiſm: for the means of wrong frequently proceed from the wrong itſelf. My argument applies ſimply to wants created by nature, and the means furniſhed by nature for their ſupply.

all;

all; and, to know the natural rights of others, it is only neceſſary to know our own.

When I think upon this ſovereignty—when I think upon theſe powers—when I think upon the means afforded for their exerciſe—when, indulging any large and generous ſcope of thought, I reflect upon all the wonderous faculties with which man is endowed—the vaſt funds of moral, phyſical, and intellectual wealth which the elements of nature lay open to his exertions, and the centuries upon centuries during which he has been ſo laborioufly employed; and when I ſee him ſtill ſo poor, ſo loſt, ſo abject, and ſo vile—ſo groſs in appetite, ſo bankrupt in happineſs, ſo unſhaped in intellect, and ſo dead to generous and expanſive morality, I cannot but conclude, that the exiſting inſtitutions of government are not the beſt that the nature of man is capable of—that they are dead weights on his exertions, inſtead of ſprings to his elaſticity.—But to return—

III. That in a ſociety where no compact, or regular aſſociation exiſted (ſuppoſing ſuch ſtate of ſociety practicable) theſe rights would equally belong to every individual, is evident. It is demonſtrable by reaſon. It is palpable to ſympathy. The only queſtion is—*Whether this equality of rights is ſurrendered—or rather, whether, in reaſon and juſtice, it ought to be ſurrendered, by civil compact, or political aſſociation?*

To

To anſwer this queſtion properly, we muſt conſider ſeveral others.—1. *What is the rational object of civil aſſociation?* Is it not the general good?—2. *In what does the general good conſiſt?* Is it not in the ſecurity of the rights (and, what neceſſarily depends upon thoſe rights, the happineſs) of the whole?—3. *By what means can civil aſſociation beſt ſecure thoſe rights?* I anſwer—*firſt*, by generalizing and aſcertaining them; and, *ſecondly*, by eſtabliſhing a univerſal reciprocation; and thus involving the particular good in the good of the whole, and ſecuring the good of the whole by particular intereſts.

Herein conſiſts, then, the main *diſtinction between natural* (that is to ſay, *individual) and ſocial* (or *political) right*. Natural, or original right, is (if I may ſo expreſs myſelf) merely *phyſical:* that is to ſay, it conſiſts in the mere powers and means of the individual; in the direction and exerciſe of which he is himſelf ſole umpire. [Hence the impoſſibility of ſuch a ſtate of ſociety; for judgments will differ, even where judgments are conſulted; animal ſtrength and cunning will differ; deſires will claſh; and the anarchic *Tyranny of Phyſical Force* muſt inevitably follow: at leaſt, ſuch will be the caſe while man continues either what he is, or what he has hitherto been.—I mean not to bar the flight of ſpeculative philoſophy. I admit—I uphold the eternal improvability of man. What

he may ſometime be, if governments do not check his courſe, it were preſumption to determine. What he may not be, bigotry will alone pronounce.] Civil Society, by creating a common intereſt, eſtabliſhing reciprocations, and binding the reſpective individuals by mutual pledges, adds to the phyſical a *moral right*. In other words, it creates Duties commenſurate with the Rights; and makes the former the guarantee of the latter. It proceeds, or ought to proceed, upon the inculcation of the maxim—*What I have a* RIGHT *to demand for myſelf, it is my* DUTY *to ſecure to others*. Thus, then, the ſuperadded, or artificial rights do not deſtroy the original. Nature is ſtill paramount: but it is nature *en maſſe*, inſtead of individual nature. It is the aggregate of individuals ſecuring its parts, and judging for the whole; inſtead of leaving thoſe parts to contend, and deſtroy each other. Its buſineſs is not to abrogate rights, but ſecure them; not to reſtrict our faculties and enjoyments, but to improve both the one and the other.

There is, I know, a very generally received maxim among the "juriſts and publiciſts," (the politico-apoſtolic authorities of Mr. B.) which ſtands in direct oppoſition to the doctrine here laid down:—I mean the fundamental maxim (for as ſuch it has been regarded) that *Man, on entering into ſociety, reſigns a part of his rights, that he may*

may ſecure the reſt. But this maxim is abſurd, inaſmuch as every ſurrender of right is a ſurrender of power; and, therefore, every right ſurrendered weakens the ſecurity of what remains. Thus, when the people of Rome were deprived of their natural and conſtitutional birth-right, equal univerſal ſuffrage, by the new ſtates, or cuſtumary "of claſſes, orders, and diſtinctions," under Servius Tullius, the disfranchiſed claſs (the nine out of ten, who had no "leiſure for diſcuſſions, or "means of information") were cajoled into acquieſcence, by the promiſe of exemption from taxes and military ſervice: (Poor, deluded people! to ſuppoſe that your privileges could be enlarged by the abridgment of your rights!) but, when the franchiſes were gone, the privileges followed:—the old as well as the new. The ſucceſſor of Tullius not only compelled their perſonal ſervice in *his* wars, and oppreſſed them with heavier burthens than ever, to ſupport *his* revenue, but even reduced them to the moſt abject drudgery to gratify his oſtentation; "forcing "them, like ſlaves purchaſed with money, to la-"bour in a moſt ſhameful manner; to cut ſtones, "ſaw timber, carry burthens, and waſte their "ſtrength in deep pits, and ſubterraneous ca-"verns, without allowing them the leaſt reſpite "from their miſeries." (*Dion. Hal.* b. iv. c. 81.) In the ſame manner, not a part only, but the

whole people of this country, have lately been deprived of the important franchiſe of popular diſcuſſion; and perſons of a certain claſs have been cajoled into a ſort of compliance with this invaſion, by the pretence of better ſecurity for their property. [Property!—Security of property!—The authors of theſe bills talk of ſecuring property!—and againſt whom?—The dextrous pick-pocket, at the door of the theatre, *puſhes away the crowd*, and whiſpers you to take care of your handkerchief, while he eaſes you of your purſe—or your watch.] But when the time ſhall come, as come, I believe, it muſt, when reſources can no more be *anticipated*, and dividends can no longer be paid—then, when the intereſts of borough-mongers and ſtock-holders ſhall ſtand oppoſed (as oppoſed they muſt be, from the very nature of things) and the latter ſhall wiſh to deliberate on the means of ſaving themſelves, and the country at large, from ſuch ſcenes of miſery and ruin as never yet were witneſſed—then, where will be the ſecurity of property?—Then will repentant alarmiſts, the deluded and jilted proprietors of moonſhine ſecurities, be compelled (as well as the London Correſponding Society)

"To hide and feed, by fifties, in a cave,"

or be ſilenced and diſperſed by a hireling police-magiſtrate, and the ſabres of a troop of cavalry.

Thus,

Thus, then, the juſt and rational object of civil inſtitution is, not to retrench, but to equalize and ſecure the natural rights of man, by ſubſtituting moral arbitration for phyſical force: that is to ſay, by inſtituting tribunals for the regulation of individual conduct; that whenever ſuppoſed rights (that is to ſay, particular intereſts) claſh, violence may be prevented, and perſonal differences be decided by aggregate reaſon. Of this aggregate reaſon, Law ought to be the epitome, and Magiſtracy the organ.

It is upon theſe principles only, that a multitude of individuals can be melted and organized into one harmonious maſs. Thus only can they really become a community, or body politic: for where one part tramples, with rude and brutal inſolence upon another, it is not a body politic, but a ſtate of unequal war. When the arbitrary will of a few, wallowing in wealth and luxury, decides upon the fate, the feelings, the exiſtence of a ſtarving multitude, it is not a compact of civil aſſociation, but a wicked and lawleſs anarchy, where Violence and Conſpiracy uſurp the chair of Government, and the caprice of domineering pride is ſubſtituted for ſettled principle.

Under ſuch ſyſtems, it is impoſſible that the general intellect ſhould properly expand, the heart be meliorated, or the condition of the maſs improved.

improved. Better for man were the rudeſt barbariſm of nature, than ſuch a ſtate of political communion!—better were ſavage nakedneſs, and the dowerleſs freedom of his woods and caves, than the wretched mockery of ſuch a ſtate of civilization and refinement. To ſuch a ſtate of ſociety, however, though but too prevalent, no body of men, no individual, ever voluntarily ſubmitted: and if they had, ſuch ſubmiſſion, inſtead of being binding upon their poſterity, would have been an act of inſanity, equally inconſiſtent with their duties and their rights; and therefore not obligatory upon themſelves.

To conclude—It appears to me, fellow-citizens, that the rational object of political ſociety is the promotion of the welfare and happineſs of the whole; that the welfare and happineſs of the whole depend upon the ſecure enjoyment of their natural rights; and that, conſequently, ſociety ought to protect and preſerve thoſe rights entire. It ought to do ſomething more. It ought not merely to *protect*, but to improve the phyſical, the moral, and intellectual enjoyments, not of a few only, but of the whole population of the ſtate. It ought to expand the faculties, encreaſe the ſympathies, harmonize the paſſions, and promote the general welfare of mankind. This were national proſperity indeed!—national grandeur, and national

national glory. All that has hitherto aſſumed thoſe names, is mockery and cruel inſult.

When theſe principles are invaded, it follows of courſe, that the injured have a right to remonſtrate and ſeek redreſs: when they are obſtinately and ſyſtematically violated, "obedience "becomes a queſtion of prudence, not of mora-"lity;" and the people (all gentler means having been found ineffectual) have a right—a firm, inalienable right, to renounce the broken compact, and diſſolve the ſyſtem.

END OF THE SECOND LETTER.

LETTER

LETTER III.

ORIGIN AND DISTRIBUTION OF PROPERTY.

I. *Uſe and Abuſe of Hiſtory in Political Diſcuſſion.* II. *Progreſs of Society*—1. *Man in the* Savage State—2. *in the* Paſtoral—*Property in the Paſtoral State*—3. *The* Agricultural State—*Influence on the Condition and Inſtitutions of Society.* III. *Baſis of Landed Property—Original Diſtribution.* IV. *Accumulation of Land*—1. *from Natural Cauſes*—2. *from Artificial—Duty of Governments to diſcountenance Accumulation—Digreſſion on Laws of Primogeniture.* V. *Diſtinction of Proprietor and Labourer—Abuſes of that Diſtinction—Tyranny of Property—Rights of Labourers*—1. *from Nature*—2. *from implied Compact*—3 *from the Principles of Civil Aſſociation. Condition of the Maſs—compared with the Savage—with the Negro Slave. Amelioration—in America—in France.*

I. HAVING contraſted, in the preceding Letter, the principles of Mr. B. and the principles of jacobiniſm; or, in other words, the principles of the Gothic Cuſtumary and thoſe of Nature, let us trace them through their reſpective ſyſtems, and illuſtrate their reſpective

operations upon the condition, the morals, and the happineſs of man.

" The property of the nation is the nation *," ſays the feudaliſt; and the principle reſults from his premiſes. *The population of the nation is the nation!* replies the exulting jacobin; and aſſenting Nature ratifies the propoſition. But in order that we may properly underſtand the maxim of Mr. B. and all the important conſequences that would follow, it is neceſſary to enquire What property, in reality, is? and how that which is called property originated and exiſts? for property, as it is generally underſtood, is certainly

* Letters, p. 118. Thoughts, 57. " Had Cade and his " followers," ſays Mr. B. purſuing the idea, in the next page, " got poſſeſſion of London, they would not have been the Lord " Mayor, Aldermen, and Common Council." No: certainly: But if the inhabitants of London had followed Jack Cade, or any other Jack, and eſpouſed his cauſe, then would that Jack and his followers have been *ſomething more* than Lord Mayor, &c. They would have been London itſelf; and (barring the allegiance which London, as a part, owed to England, as a whole,) would have had a right to make, or unmake, Mayor, Aldermen, Common Councilmen, Mace-bearers, and all. I ſpeak not with any reverence for Cade. The Cades, the Orleanſes, and the Catalines, may all have their advocates; and, for ought I know, ſome of them may have been more blackened than they deſerve: but I am not one of thoſe who make no diſtinction between tumult and reform. With me, every conſpirator is not a patriot; although, in the preſent day, every patriot is called a conſpirator. I merely reply to the ſophiſm of Mr. B. and vindicate my own definition.

neither

neither coeval with man, nor an immediate or inevitable conſequence of political Society: though, under proper regulations, it is an advantage to which the compacts of ſociety alone could have given birth. In this reſearch, unlike to the eſſential ſubject of the former letter, hiſtory affords much light. Man without ſociety, or ſociety without government, has never yet been known; but man, without what is vulgarly called property (and Mr. B. uſes the term in its moſt vulgar ſignification) is ſtill to be found in ſeveral parts of the globe: and the diſcoveries of navigators, from Columbus to Captain Cooke; the obſervations of recent travellers among the Hottentots and Caffrees; and the labours of the moſt eminent hiſtorians, from the pregnant brevity of Tacitus, to the ſmooth eloquence of Robinſon, and the elaborate ſplendour of Gibbon, have collected, preſerved, and arranged abundant materials for a political hiſtory of the progreſs of ſociety, the origin and gradations of property, and the inſtitutions by which it has been, at once, ſanctified and violated, invaded and ſecured.

When ſuch aſſiſtance is offered, the politician does well to accept the boon: for Hiſtory, though never to be admitted as the *miſtreſs*, is an important *handmaid* of political ſcience. In other words, hiſtory is to be conſulted, not for *precedents* that muſt be followed, but for *examples* that

ſhould be weighed: not for dogmas to reſtrain, but for circumſtances to illuſtrate, our ſpeculations; and, as far as they extend, for land-marks to direct our courſe. In ſhort, it is a mere repertory of facts, of all deſcriptions—the good, the bad, and the equivocal; and (to borrow an excellent diſtinction from Bacon) we muſt not forget, that *(like other ſciences) it has its* DISEDERATA, *as well as its* DISCOVERIES; and that, of courſe, Speculation and Experiment have yet enough to do. He who regards this parent of all uſeful knowledge in any other light, makes her the gaoler, not the monitreſs, of man; cradles the human mind in eternal tutillage, and rocks it into lethargy, with the antiquated lullaby of "What "has been, muſt be; now, and for ever more!"

II. Having premiſed thus much, on the uſes of hiſtory in political diſcuſſion, I ſhall proceed with a brief and general review of the progreſs of ſociety, with reference to the origin and diſtribution of property, and its influence on the general liberty and happineſs of the human race.

1. The ſimpleſt condition of man we are acquainted with, and that, in all probability, out of which every other ſtate has ariſen, by a ſeries of progreſſive *innovations*, is *the Savage State.* In this firſt ſtage of Society, an almoſt abſolute equality prevails. The earth uncultivated, or nearly

nearly ſo, is of courſe regarded as the common mother, rather than the private property, of the tribe that wanders over its ſurface; and the wild animals it feeds, and the ſpontaneous produce it affords, are the unqueſtioned right of the individual whoſe fortune, or whoſe aſſiduity, ſecures the firſt poſſeſſion. Diſtinctions of power, under ſuch circumſtances, could only riſe from inequalities of ſtrength or intellect; and theſe muſt, of neceſſity, be ſmall. Man, left to the wild growth of nature, uncramped, and unaſſiſted, by the diverſified accidents of *poliſhed* ſociety, attains, like other animals, a ſort of common ſtandard; or, if particularly feeble in his original conſtitution, periſhes in the bleak wild of barbariſm. And though incalculable circumſtances may ſometimes confer an extraordinary force of muſcle, or a ſuperior degree of *cunning* (for, in ſuch a ſtate, intellect can mount no higher,) authority is too imperfectly organiſed for the abuſe of ſuch advantages to extend beyond a few particular inſtances of violence and injuſtice. It is by property alone that whole nations can be oppreſſed: by the ſcience of cabinets only that generations can be enſlaved.

Theſe rude tribes, have their aſſemblies, their orators, their legiſlators, to whom they look with reverence in caſes of public exigency; and whoſe power encreaſes in proportion as common dangers

gers call for united exertions. The authority of the chief may, in ſome inſtances, become almoſt abſolute, in times of war: but it leads to no permanent diſtinctions of wealth or influence; and the ideas of property are ſcarcely extended beyond the right of the individual to the trophies he may gain in the field, and the *temporary affluence* reſulting from the fortune of the chace.

2. Paſſing from the ſavage to *the Paſtoral State*, we make a ſtride of ſome importance in the progreſs of government, of civilization, and property. Man having tamed a uſeful animal, led it to paſture, protected it from beaſts of prey, and contributed to the multiplication of its ſpecies and the rearing of its feeble young, acquires the ſame property in his flock, and upon the ſame principle, that the ſavage acquired in the game he had enſnared or killed. Still, however, the property extends only to the animal. The earth, and its vegetation, continue the common inheritance of all: and this, for reaſons which, growing out of the nature of things, operate upon the rude minds that could not explain them. He who tames and protects a flock or herd, of whatever deſcription, claims, by appropriation, only the profit of his own induſtry; and, generally ſpeaking, does but graſp the excluſive benefit of that which, but for his aſſiduity, would not have, *beneficially*, exiſted. But in the earth, which he has

has not laboured—in the vegetation he has not cultivated, he can have no excluſive property. The former is a common element, upon which every individual has a common right to employ his faculties;—the latter, the ſpontaneous gift of Nature to all her children, in which all have a common inheritance.

Even in flocks and herds, the property of the individual, *in ſuch a ſtate*, may extend to uſurpation: for if it were poſſible for one man to *reclaim* (as it is called) and monopolize the whole race of uſeful animals running wild in a particular diſtrict, he could have no moral right to do ſo: becauſe he would, thereby, preclude all others from their common right of exerting their faculties, for their own advantage, upon an important part of the common gifts of nature.—It cannot be too often repeated, that *Property is the fruit of uſeful induſtry; but the means of being uſefully induſtrious are the common right of all.*

Property, in this ſtate, it is obvious, though grounded in the ſame principle (poſſeſſion, reſulting from the exertion of individual faculty upon the common gifts of nature) differs, in ſome eſſential characters, from property in the ſtate before deſcribed. Among ſavage tribes, there is, indeed, ſcarcely any thing which, in the general ſenſe, can be regarded as property at all: in a nation of ſhepherds, it aſſumes a ſort of permanency,

and

and a capacity of accumulation. It becomes, accordingly, a temptation to violence, on the one hand; and an object of jealous protection, on the other. Hence the neceſſity of more intimate aſſociation, and firmer compact. The flock muſt be guarded by more jealous laws, than were neceſſary in a ſtate where all property conſiſted in a bow and a hatchet, and a few ſimilar articles, which the warrior-huntſman flung acroſs his ſhoulder, or tucked in his girdle, when he followed the war-hoop, or the chace: and thus, though *Liberty and Property* are ſo frequently joined together, in popular exclamations, the very baſis of the latter, by a ſad neceſſity, furniſhes the foundation of an altar upon which the former is too frequently ſacrificed.

In the ſtate of ſociety, however, of which I am at preſent ſpeaking, the degree of perſonal independence is very great. It is not till man has taken another ſtep, in the progreſs of appropriation, that liberty can be conſiderably invaded. While the elements of nature are not monopolized, the diſtinctions of property and power muſt be, comparatively, ſmall: and, if war could be avoided, the paſtoral ſtate would be a life of almoſt perfect freedom. But in all conditions of ſociety, war is a mean of two-fold uſurpation; *and the country that takes up arms againſt another, is deſtined to ſubdue itſelf.* It is true, the full weight of this penalty

penalty is reſerved for *civilized* nations. In the ſavage ſtate it is but tranſiently felt; for the power of the chieftain expires with the campaign: and all the habits of mere paſtoral life are inimical to the uſurpations of authority.

But whatever may be the advantages of theſe rude ſtates of ſociety, in point of liberty and independence, they are little calculated for permanent eſtabliſhment. While the earth remains uncultivated, the ſubſiſtence of man, even in the moſt genial climates, is ſcanty and precarious; the ſocial paſſions are languid and joyleſs; the faculties are ſluggiſh; the intellect ſlumbers, as it were; and all the nobler and finer feelings of our nature, lie benumbed in the oblivious bog of indolence: the endearing intercourſes of friendſhip are ſcarcely known; the reciprocations of relationſhip are but a ſad chain of domeſtic tyranny and ſervitude; and even the deareſt and ſweeteſt of thoſe connections which give an intereſt, and a zeſt, to civilized life, exhibits, in the hut of the ſavage or the barbarian, a diſguſting picture, that paints, beyond the force of words, the melancholy conviction, that *liberty, without moral and intellectual improvement, is only a privilege of the ſtrong to tyranniſe over the feeble.* In the mean time, a ſcanty ſprinkling of population, ſcattered over an immenſe ſurface, perhaps of the moſt luxuriant ſoil, cannot ſo properly be ſaid to inha-

bit, as to prove its miſerable want of inhabitants. Yet ſo imperfectly does even ſuch a ſoil adminiſter to their ſimple wants, that an enlargement of territory is fought for with as much ſanguinary ferocity, for the poor privilege of hunting and fiſhing, as, by more civilized barbarians, for fame, and glory, and power, and encreaſed revenue. —In ſhort, the ſavage and paſtoral ſtates, are ſtates of almoſt inceſſant war; and, if it were not that our funding ſyſtem has, for the laſt hundred years, rendered *civilized* Europe a ſtill more hideous Golgotha than the woods and paſtures of the barbarians ever knew, this circumſtance, alone, might be thrown into the balance againſt the rude boaſts of liberty and independence. As for what may be called the accommodations of life, I might quote the deſcriptions of ſavage wretchedneſs from Robertſon's America; Gibbon's picture of the paſtoral habits of the Scythians, in his "Decline and Fall" (chap. 26); White's account of the New Hollanders, in his "Voyage to New South Wales;" and the miſerable ſhifts of wild Hottentots, from the narratives of recent travellers into the interior of Africa. But I ſhall content myſelf with a ſingle extract from Tacitus, in which he deſcribes the way of living in one of the rudeſt of the German nations. "Nothing," ſays he, "can equal the "ferocity of the Fennians, nor is there any thing

"ſo

" ſo diſguſting as their filth and poverty. With-
" out arms, without horſes, and without a fixed
" place of abode, they lead a vagrant life; their
" food the common herbage; the ſkins of beaſts
" their only cloathing; and the bare earth their
" reſting-place. For their chief ſupport they de-
" pend on their arrows, to which, for want of
" iron, they prefix a pointed bone. The women
" follow the chace in company with the men,
" and claim their ſhare of the prey. To protect
" their infants from the fury of wild beaſts, and
" the inclemency of the weather, they make a
" kind of cradle amidſt the branches of trees inter-
" woven together; and they know no other ex-
" pedient. The youth of the country have the
" ſame habitation; and amidſt the trees, old age
" is rocked to reſt."

3. Such, my fellow-citizens! are the miſerable and degrading circumſtances attendant upon theſe rude conditions of ſociety. From theſe circumſtances, nothing can redeem mankind but the ſteady cultivation of the earth. The earth is cultivated; and the face of ſociety is changed, and nature itſelf ſubdued and altered. But is the condition of the maſs improved? Are their real enjoyments encreaſed?—their actual ſufferings diminiſhed? Are there no circumſtances attendant upon the partial proſperity which cultivation has ultimately produced, more bitter in their conſe-

quences, to the laborious multitude, than all the miſeries of penurious equality? Certain, at leaſt, it is, that agriculture, from the very firſt, if it brought its bleſſings upon the world, brought, with them, its miſchiefs, alſo.

In ſavage nations, where the chace ſtill continues to be the proud employment of man, and a rude and miſerable ſpecies of cultivation is regarded only as an auxiliary, it has reduced the woman to a condition of abſolute ſlavery. Among the paſtoral tribes of Germany, to which Mr. B. would have us ſtill look for patterns of political and ſocial wiſdom; where the land was not even regularly appropriated; where flocks and herds conſtituted the chief wealth, and agriculture was only a ſecondary conſideration, the labour of cultivation had given birth to the iniquitous diſtinction of maſter and ſlave. The condition of the ſlave was not, however, as deplorable as in ſtates of higher cultivation. "To puniſh him with "ſtripes," ſays Tacitus, "to load him with "chains, or condemn him to hard labour, was "unuſual. Each had his ſeparate habitation, "and his own eſtabliſhment to manage. The "maſter conſidered him as an agrarian dependant, "who was obliged to furniſh a certain quantity "of grain, of cattle, or of wearing apparel. The "ſlave obeyed; and the ſtate of ſervitude ex-"tended no farther." But if we turn our eyes

to

to the wretched Helotes of Sparta, and the whip-galled Negroes of our own Weſt India Iſlands, what myriads of lacerated victims riſe up in judgment againſt the ſyſtem of cultivation, and deplore the tyrannous inventions that ſnatched them from their caves, their hovels, and their woods.

Not to dwell upon partial evils, let us examine the general operation of the agricultural ſyſtem: admitting, in the outſet, that its advantages are poſitive and inherent, and the evils it has produced, generally ſpeaking, adventitious only; and, therefore, capable of correction.

III. An immediate, or, at leaſt, a neceſſary conſequence of the agricultural ſtate, is the appropriation of land: an appropriation which, duly underſtood, and under proper reſtrictions, reſts upon the joint foundations of general expediency, and of individual right. The baſis of property has been already defined, as *the right of the individual to the advantages reſulting from his own induſtry and faculties, employed upon the common elements of nature.* By the ſame right, therefore, that the ſavage appropriates the game transfixed with his dart, and the ſhepherd challenges the flock he has reclaimed and paſtured, the cultivator, alſo, claims, as his own, the produce of the land he has cultivated: for the earth is a common element, in which he had a common inheritance;

heritance; and the fruit it produces, under his cultivation, is the creation of his induſtry. Still, however, the earth itſelf was common element: and the property, in this ſtate, conſiſted, not in the land, but in the produce. For the foundation of what is called Landed Property, we muſt appeal, not to phyſical or abſtract right, but to moral and political expediency.

In ſome particular caſes, indeed, if we may rely upon the authorities that record the fact, agriculture has been the joint concern of the whole ſtate; and the common territory has been cultivated by common labour. In all inſtances, the perfect appropriation of land muſt have been gradually effected: for it is difficult for man, in any ſtate, to diſpoſſeſs himſelf of the idea of a right of common inheritance in the earth which he inhabits. The Germans, in the days of Tacitus, had made, in their rude way, conſiderable progreſs in the arts of government. Society was ſeparated into caſts and claſſes; and four diſtinct orders accurately defined the degrees of honour and of ſervitude among thoſe fierce barbarians: yet we learn, that "in cultivating the ſoil, they "did not ſettle on one particular ſpot. The "lands were taken poſſeſſion of, in turns, by the "whole community, according to the number of "cultivators; and were divided among them, "according to their reſpective ranks. The ex-

"tent

" tent of their plains rendered this diviſion eaſy. " The arable lands were changed every year; " and the paſtures remained uncultivated: for " they did not proportion their induſtry to the " extent and fertility of the ſoil. They neither " planted orchards, incloſed meadows, nor wa- " tered gardens. The cultivation of corn was all " that *was enjoined**."

But

* Tacit. Man. of Germ. ſect. xxvi. Correſpondent with this is Cæſar's account of " the Suabians, the moſt potent and " *warlike* Nation among the Germans." Comment. War in Gaul, b. iv. " They have no encloſures," ſays he: " no " man has an acre of land he can properly term his own; nor " are they ſuffered to continue above one year in the ſame " part of the country. Their chief diet is milk and fleſh- " meat; and their diverſion hunting." *Bladen's Cæſar*, p. 60. See alſo b. vi. p. 118. " They mind not agriculture," &c.— nor has " any man fields of his own diſtinguiſhed from the " common by boundaries," &c. This is applied to the whole of the German nations; as is, alſo, the remainder of the paſſage, quoted in the text. There is a moſt beautiful alluſion in the 24th Ode of the 3d book of Horace, to a ſimilar practice among the *Geteans*:—

" Better the ſavage *Scythian* lives,
" Who in a wain his houſehold drives;
" Better the *Gete*, whoſe fruitful grounds
" No fence divides, unmark'd by jealous bounds:

" One year he tills the mellow ſoil,
" And reſts the next from all his toil.
" No ſtep-dames treacherouſly prepare
" The baneful cup for hapleſs orphans there."

DUNCOMB.

What follows is in an exquiſite ſtrain of ſatire and morality; but not immediately connected with my ſubject. I refer the Reader, therefore, to the Ode itſelf.

I ſhall

But the tribes of Germany were of a warlike character (probably from their neighbourhood to the military government of Rome—or it may be, from that ferocious pride and thirſt of military glory, which actuate all barbarians;) and their other habits were decided by this circumſtance. "To cultivate the earth, and wait the regular "produce of the ſeaſons, was not the maxim of "a German. You would more eaſily perſuade

I ſhall juſt add, that there is ſome difficulty in the paſſage of Tacitus above quoted: a difficulty which appears ſtill greater in Murphy's tranſlation. The only diſtinction which, in ſuch ſtate of ſociety, could occaſion any inequality in the diſtribution of lands, muſt have been that of chieftains or heroic leaders; who, as their followers were feaſted at their tables, would require, of courſe, a larger diſtrict for their ſupport: that is to ſay, their families were larger, and therefore they required more land, to ſupply them with bread, and to feed the flocks and herds that conſtituted their wealth. How different theſe diſtinctions were from what is called "rank and dignity" in theſe days, appears from the following paſſage: "No diſtinc-"tion is made between the future chieftain and the infant ſon "of a common ſlave. On the ſame ground, and mixed with "the ſame cattle, they paſs their days, till the age of manhood "draws the line of ſeparation, and early valour ſhews the per-"ſon of ingenuous birth." (*Murph. Tacit.* vol. iv. p. 23.) That is to ſay, the braveſt man is deemed nobleſt born! What would ſome of our modern barons (the Chieftains of the Drawing-room and Levee) ſay to ſuch a teſt of diſtinction?—But in what-ever this dignity conſiſted, it appears, from Cæſar, that the privilege annexed conſiſted rather in the power of diſpenſation, than in any right of ſuperior appropriation, a material object being the preſervation of "an equality of riches." Between the times of Cæſar and Tacitus, however, ſome changes might have taken place in this reſpect.

"him

" him to attack the enemy, and provoke honour-
" able wounds in the field of battle. In a word,
" it was, in the opinion of a German, a ſluggiſh
" principle to earn, by the ſweat of your brow,
" what you might gain by the price of your
" blood." That this contempt of agriculture was really produced and cheriſhed by this warlike character, is put beyond a doubt by Cæſar, in the ſixth book of his Commentary on the Gallic War; though he aſſigns, at the ſame time, ſome better reaſons for the mode of diſtribution. Contraſting the cuſtoms of the Germans with thoſe of the Gauls, he obſerves, that " their magiſtrates
" and princes yearly diſtribute to every canton
" ſuch a portion of land as they think ſufficient,
" in ſome part of the country; where they ſend
" them to continue only for one year, and oblige
" them to remove the next: which cuſtom they
" obſerve, *leſt the love of the place they had long in-*
" *habited, having changed the people's genius from the*
" *ſtudy of war, to that of tillage,* they ſhould endea-
" vour to *extend their confines, and the weaker be-*
" *come oppreſſed by the more powerful*; leſt they
" ſhould become curious in their buildings, to de-
" fend them from the ſummer's heat and winter's
" cold; but, chiefly, to prevent covetouſneſs, *the*
" *root of all factions and diſcord,* and preſerve *that*
" *equality of riches in the common-wealth, which pro-*
" *duces peace and content.*" But wherever the agri-

cultural ſyſtem preponderated, and the product of cultivation became a principal object, it is ſcarcely poſſible that experience ſhould not ſoon ſuggeſt the *general expediency* of permanent poſſeſſion in the individual who was to cultivate: for man is a ſelfiſh animal; and earth, that it may be abundant in production, requires, not only the plough and the ſeed, that prepare the particular harveſt, but the manuring toil that improves it from generation to generation.

But though *production*, of neceſſity, became a principal object, *diſtribution*, in the early ſtages of agricultural ſociety, would not be neglected. The ideas of primitive equality were not obliterated; and the temptations to monopoly were few: and the probability is, that every wandering tribe firſt taking poſſeſſion of a diſtrict, with a view to cultivation, would, like the original founders of the Roman ſtate, canton out the territory in equal portions: and, thus, would the equality of diſtribution, reconcile general expediency with the particular intereſts of the individual, and the principle of common right.

Every thing, indeed, in the rude ſtages of ſociety, had a tendency to ſupport this equal diſtribution. Population was thin; and the abundant territory offered to every cultivator more than he could occupy: and even when population encreaſes (as in the agricultural ſtate it naturally will)

will) the caſe is not materially altered. The degree of knowledge (or rather of ignorance) is nearly uniform. The feebleneſs of political inſtitution, and the laxity of civil compact, encourage habitual independence. Legiſlation has not yet become the property of the few: and above all, the inequalities of phyſical force are not, in theſe rude beginnings of ſociety, rendered more diſproportionate by the excluſive appropriation of arms, the eſtabliſhment of magazines, for inſtruments of deſtruction, to enable the few to plunder and overawe the many; and the employment of ſelected bands of ruffians, hired firſt, like mercenaries, and afterwards compelled, like ſlaves, to perpetrate the robberies, and protect the uſurpations of deſpotic rulers.

Under ſuch circumſtances, it is true, the acquiſitions of the father would, in the natural courſe of things, deſcend to the children: but they would deſcend under ſuch reſtrictions as would render permanent property leaſt inconſiſtent with the common claims of mankind. While any portion of waſte land remained, they would feel and act upon the juſt and natural principle, that territorial property conſiſted, accurately ſpeaking, in the cultivation—not in the earth; and that, of courſe, *land uncultivated is ſtill inheritance in common*, and cannot, till labour makes it ſo, be the peculiar property of any individual. If, therefore, the cultivator had more children than one,

the eldeſt, when he arrived at man's eſtate, would take poſſeſſion of a freſh farm; in which example he would be followed by other of his brethren, till it came to the youngeſt; who, in all probability, the father growing old and feeble, would remain with him, as an aſſiſtant, till his death; and would ſucceed, of courſe, to the paternal farm. Some relicks of this ſtate of ſociety, as Judge Blackſtone obſerves, ſtill remain in this country, in the ſort of tenure, once prevalent throughout the Northern nations, and among us, called *Borough-Engliſh*; by which the landed property, or "burgage tenement," deſcends to the *youngeſt ſon* *.

When the whole diſtrict inhabited by any community, had become appropriated by cultivation, except what it was ſtill thought neceſſary to preſerve in common, for the purpoſes of paſturage [a thing, of courſe, to be decided, by actual, or implied compact, by the whole community;] a different mode of deſcent aroſe, by neceſſity, out of the new circumſtances; and domeſtic migration being no longer practicable, the whole family remained *in a ſtate of dependence*

* Commentaries, book ii. c. 6. p. 83. He calls it, indeed, a relick of the *paſtoral ſtate*. But it is demonſtrable, alike, from hiſtory, and the nature of things, that, in the mere paſtoral ſtate, no ſuch thing as landed property is acknowledged. Inaſmuch as it relates to *mere tenement*, the obſervation may, however apply; and he ſhews it to be ſtill the practice among the paſtoral nations of Tartary.

upon

upon the father, and divided the eſtate at his demiſe. We have the authority of hiſtory for affirming, that this was once, almoſt uniformly, the caſe in this country; and the ſimple and equitable law, under the name of deſcent in *Gavel kind*, ſtill continues in force, in ſome conſiderable diſtricts, in the happy and flouriſhing county of Kent. Such alſo is the caſe in many of the ſmaller cantons of Switzerland; where the law, upon the death of a proprietor, divides the eſtate equally among all his children, male and female. In caſes, indeed, where the conduct of children has been remarkably vicious, the law permits the citizen to will one-half of his property to any one child, who may have diſtinguiſhed himſelf by an oppoſite diſpoſition; but it compels him to aſſign the reaſon in his will, and does not allow him to extend his diſcretionary power farther than this diſtinction. The remaining half muſt be abſolutely divided, in equal portions, among the other children: and as conſcience is generally perverted, or informed, by exiſting inſtitution, as the ſtate of ſociety is exceedingly ſimple, and as ambition, ſplendour, and luxury (thoſe firſt provocatives to almoſt every crime) are precluded by the ſalutary regulations of theſe happy ſtates, even this exertion of parental diſcrimination, (which is regarded, and dreaded, as a brand of indelible infamy) is rarely exerted; and never but in thoſe caſes where the conduct of the repudiated

diated children has been marked with peculiar profligacy.

IV. From the neceſſities ariſing out of theſe new circumſtances, it is evident, that a great and important change muſt be progreſſively induced in the condition of the human race.—From this time, we muſt bid a ſad farewel to that equality of landed poſſeſſion, which, if philoſophy did not forbid me to hope, and humanity prohibit me from propagating, philanthropy would impel me to wiſh. I ſay, my fellow-citizens! and I call upon you to engrave the maxim on your hearts! that Philoſophy and Humanity forbid the propagation of this levelling doctrine. Philoſophy forbids it, becauſe the ideas, the habits, the neceſſities of the preſent ſtage of ſocial progreſs—nay, the very circumſtances naturally growing out of the ſyſtem of cultivation, when carried to any high and advantageous extent, render ſuch equality totally impracticable:—Humanity forbids it, becauſe the vain attempt to execute ſo wild a ſcheme, muſt plunge the world in yet unheard-of horrors; muſt ſend forth the pretended reformer, armed with the dagger in one hand, and the iron crow in the other, to pillage, murder and deſtroy; and, after all, to no better end, than to transfer all property from the proud and the poliſhed, the debauched, effeminate and luxurious, to the brutal, the ignorant, and the ferocious; and to conſtitute, from the

vulgar

vulgar band of plunderers and aſſaſſins, a *new* "Gothic Cuſtumary"—a new order of proprietors and nobility. But though we ought not—muſt not ſweep down all property in a torrent of blood, let us not "ſhrink from the *critical but* "*ſalutary* duty" of examining the foundations upon which it ſtands, and diſcriminating clearly between property and plunder—between right and uſurpation. Nor let the high and affluent—for there are *ſome* among them whoſe hearts are warm and benevolent, and whoſe *alarms* are honeſt—and to ſuch I addreſs myſelf—Let not them ſhrink from the well-meant enquiry, nor impoliticly deem the friend of man their foe. If they are juſt, they have nothing to dread from inveſtigation; and property, like morals, will ſtand more firm upon the ſolid foundations of reaſon and expediency, than upon the ~~viſionary~~ *arbitr*ary and myſterious baſes of authority and ſuperſtition.

1. However equal the diſtribution of land might be at the beginning of that æra of cultivation, when there was no longer any waſte to be divided—and till then (in the *natural* progreſs) there could be no other differences than ſuch as might ariſe from different degrees of individual induſtry—it is evident that as ſoon as diviſion became neceſſary among the children of the reſpective cultivators, a conſiderable inequality muſt ariſe. He who had a large family, muſt neceſſarily

neceſſarily divide his farm into ſmall portions, or the family muſt live upon it in common. He who had only a ſingle child, would leave an undivided inheritance: and the family of ſeveral brothers, who ſhould chance to have but one heir among them, muſt neceſſarily bequeath to that one a fatal accumulation: unleſs, indeed, by ſome wiſe and humane regulation, the lands of the proprietor dying without children ſhould revert to the ſtate, to be divided among thoſe citizens whoſe farms had been ſplit into inconvenient fractions.

2. By ſome ſuch ſalutary proviſion, the balance of landed property might have been, in ſome degree, preſerved. But, unfortunately for mankind, governments have, too generally, been employed in aggravating the evils it was their duty to counteract. Inſtead of protecting the weak againſt the ſtrong (as they pretend to do) and thus levelling, by the influence of moral principle, the phyſical inequalities of ſtrength, they aggravate theſe aſperities by the *privileges* of wealth, and the appropriation of arms. Inſtead of ſoothing and harmoniſing the jealous and hoſtile paſſions of tribes and families, and uniting the whole in one fraternal bond, they have multiplied the diviſions and enmities of the human race, by ſplitting them into caſts and factions—into "claſſes, orders, and diſtinctions," different in their

their views, and hoſtile in their particular intereſts. Inſtead of correcting the tendencies to unequal diſtribution, naturally ariſing in the more advanced ſtages of civilization, every opportunity has been embraced to aſſiſt the growing miſchief; and laws upon laws have invaded the equal rights of man, and annulled the common claims of relative and private juſtice. Hence all the proviſions which, not content with *ſecuring* property, load it with unjuſtifiable *privileges*—Hence corporations, patents, and excluſive charters—Hence (for the iniquitous reaſons and pretences of which ſee the following letter) the hideous—the barbarous—the unnatural *Law of Primogeniture:*—a law which, if contemplated with any reference to the principles and rights of nature, is a moſt iniquitous uſurpation, and what a religious man ought to regard as an act of blaſphemy;—and if examined upon any principle of relative and ſocial juſtice, or any rational baſis upon which the claims of deſcendable property can be ſupported, is an act of aggravated robbery, perpetrated by the elder brother, upon all the branches of his defenceleſs family.

From that ſtate of ſociety, then, and thoſe circumſtances of diſtribution, the contemplation of which led me into this digreſſion, neceſſarily aroſe the diſtinction intended to be marked by the vulgar application of the word Property—that is to ſay, the diſtinction between the large

proprietor and the ſmall. And this, I conceive, to be the diſtinction Mr. B. intends to mark by the extravagant exclamation—" The property of " the country is the country!" Indeed, it is impoſſible he ſhould mean any thing elſe—for as all mankind (as will be preſently ſhewn) have property—eſſential property, in the genuine ſenſe of the word, the exclamation would, upon any other interpretation, be totally without meaning. And thus is the political exiſtence or non-exiſtence of man, to be decided by the cube rule that meaſures his paternal acres, or the arithmetic that ſtrikes a balance in his ledger.

V. But theſe circumſtances were alſo fraught, in their progreſs, with ſtill more important conſequences. From the inequalities inevitably produced, and the means ſoon diſcovered of encreaſing them; and from the indolence, prodigality, and diſaſters of ſome, and the peculiar fortune of others, aroſe, in proceſs of time, the *diſtinction of* PROPRIETOR *and* LABOURER. The cultivator, whoſe farm was too ſmall for the ſupport of himſelf and family, or who had been obliged to ſupply ſome temporary want by bartering away his penurious inheritance, was neceſſitated, for ſubſiſtence, to become the hireling labourer of him whoſe poſſeſſions had encreaſed beyond the limits of individual culture.

In this diſtinction (however natural, and, there-

fore,

fore, juſtifiable in itſelf,) are laid the firſt foundation of what may be called the *Tyranny of Property:* that is to ſay—*the power and diſpoſition of the wealthy few, to oppreſs and plunder the indigent and unprotected many.*

At firſt, indeed, this unhappy diſtinction would not be productive of any ſerious oppreſſion. The proprietors muſt be too many, and the labourers too few, to give the former any very extenſive power of taking advantage of the dependent ſtate of the latter. Their contract would, therefore, be comparatively fair, and grounded in mutual advantage: the workman deriving a full ſubſiſtence from his labour; and the employer (himſelf a labourer alſo) deriving but little more. Of ſuch a ſtate of reciprocation (growing out of the very nature of things) it would be ſcarcely reaſonable to complain: but when we look upon the conſequences which have ariſen out of the diſtinction, and trace the progreſs of its abuſes to their preſent enormous height, I cannot but repeat the enquiry—*Is the condition of the multitude improved?*

The whole condition of the univerſe has been materially altered by cultivation. That cultivation has been conducted by the labour and diligence of the maſs of mankind. Is it right, then, that a few ſhould monopolize all the advantages of this new ſtate of man, and leave to the toiling

multitude only a dark viciſſitude of woes—only a ſad tranſition from penurious indolence to laborious wretchedneſs? It is not right. There is no argument to be deviſed by all the penſioners in the univerſe, that can juſtify ſuch oppreſſion; and the territorial monopoliſt, who thus grinds and tramples on the laborious cultivator, without whoſe toil his vaunted eſtate would be a barren wilderneſs, alters the very nature of his tenure, and turns his property into uſurpation and plunder.

Let the proprietor reflect upon the nature of his poſſeſſion—let him reflect upon the genuine baſis of property. What is it, after all, but human labour? And who is the proprietor of that labour?—Who, but the individual who labours? As for landed property, I repeat it—it has not its foundations in natural or phyſical right; but in moral and political expediency. But moral and political expediency refer not to the individual, but to the whole ſociety. That which is expedient for the whole, is politically expedient. The expediency of individual intereſt, is the expediency of the ſwindler, and the houſebreaker. If monopoly is not encouraged—if the poſſeſſion of land is left to flow and deſcend in its own natural channels, the laws of the country rather reſtraining than encouraging accumulation; and above all, if labour has its ade-

quate

quate reward, I maintain that the permanent poſſeſſion of land is morally and politically expedient; becauſe it aſſiſts production, without preventing diſtribution; and, thereby, benefits the whole human race. But if all this ſocial order is inverted—if accumulation is not only encouraged, but enforced, and if the labourer, the *real cultivator*, is inſulted with ſuch wages as are totally inſufficient for the decent and comfortable ſubſiſtence of himſelf and family, then (I repeat it—and I will abide by the text in all the courts of law to which I can poſſibly be ſummoned) that which is miſcalled landed property, is the worſt of uſurpation and plunder.

We have heard much of the Rights of Property, and the Rights of Nations. [Of the Rights of Man, alſo, we have heard ſome things, well worthy of ſerious conſideration.] Much alſo we have heard of the Rights of the Peerage, the Rights of Parliaments, and the Rights of the Crown; let us, for once, enquire a little into the RIGHTS OF LABOURERS: for rights, as labourers, they moſt undoubtedly have, grounded on the triple baſis of *nature*, of *implied compact*, and *the principles of civil aſſociation*.

1. As for his *natural rights*—it will be admitted, I ſuppoſe, in terms, however it may be denied in practice, that the labourer is a man. As man he is joint heir to the common bounties of nature;

ture; and, in all phyſical and moral juſtice, is the proprietor, alſo, of whatever his labour and faculties add to the common ſtock. Were he ſtill the rude inhabitant of a ſtate, where the bleſſings, and the drudgery of cultivation were unknown—the indolent wanderer of the woods and mountains, he would have, as I have ſhewn, ſome rights, ſome inheritance, ſome means of ſolace and ſupport; and the imperious land-holder, the great funded proprietor, the prodigal ſtateſman, yea, the ſceptered ſovereign of the moſt refined and poliſhed ſtate, who now, from the profits of his toil, banquets in luxury, and lolls on down, would have wandered, in ſavage naked-neſs, like himſelf; would have ſlept on the ſame cold earth, and ſhared in all his penury, and all his hardſhips.

Whatever were the worth of theſe rude gifts and accommodations, the very frame and conſtitution of ſociety has robbed him of them. He comes from the hand of Nature into a ſtate of cultivation; and finds the world of nature deſtroyed by the world of art. His inheritance is alienated, and his common right appropriated, even before his birth. He appeals to Nature—and how does this common parent of us all reply? She anſwers (through that organ of reaſon that dwells in every breaſt) *Society is reſponſible, in the firſt place, for an equivalent for that which ſociety has taken away.*

away. For the reſt, you have ſtill a right to employ your faculties for your own advantage; and, in the reciprocations of ſociety, to receive as much from the toil and faculties of others, as your own toil and faculties throw into the common ſtock. You have a right to the gratification of the common appetites of Man; and to the enjoyment of your rational faculties. The intercourſe of ſexes, and the endearments of relative connection, are your right inalienable. They are the baſes of exiſtence; and nothing in exiſtence—no, not even your own direct aſſent, can, juſtly, take them away.

2. Does the employer reject this deciſion of nature? Does he plead ſome recent compact between himſelf and the labourer? *I agreed with you for ſo much; and I pay you what I agreed!* I anſwer, that an unjuſt agreement, extorted by the power of an oppreſſor, is, morally, and politically, void. Yet ſuch, in a variety of inſtances, are the compacts between the labourer and the employer. The territorial monopoliſt dictates the terms upon which he will condeſcend to employ the diſfranchiſed labourer, from morn to night, in the cultivation of his fields, and the repair of his hedges and ditches. Does the latter demur about the price—*Fellow! there are many labourers and few employers. If you do not chooſe to drudge through the whole day for half a meal, go home to your family, and ſtarve there altogether. If* YOU *will not work for half a loaf, there are others that will: and if*

you

you CONSPIRE *together to get a whole one, we will ſend you to the houſe of correction!!!* Is this a compact, or a tyrannous uſurpation?

But there is a compact—a ſacred compact, implied in the very diſtinction of labourer and employer: And the terms of this compact are to be decided, not by the power of the one, and the wretchedneſs of the other, but by the reaſon of the thing, and the rules of moral juſtice. This reaſon, and theſe rules, call upon us to appreciate, with impartiality, the comparative value of capital and of labour; ſince the former, without the latter, could *never* be productive; and the latter, without the former, in the preſent ſtate of ſociety, cannot have the means of production. Such an eſtimate, fairly made, would place the labourer in a very different condition from that to which he has generally been condemned. Such an eſtimate would teach us, that the labourer has a right to a ſhare of the produce, not merely equal to his ſupport, but, proportionate to the profits of the employer.

3. This argument of implied compact is, alſo, ſupported by the very principles upon which all civil aſſociation reſts. Mankind, when they abandon their woods and ſavage independence, abandon them for a common, not for a particular, advantage. They do not conſent, that thenceforward the many ſhall be more wretched; that the

the few may be better accommodated. No: the object is, to promote the accommodation of the whole. When they give up their common intereſt in the ſpontaneous produce of the earth, and yield it to appropriated culture; they mean to increaſe the comforts and abundance of all, not the luxury and wantonneſs of a faction. Go on to what extent you will, the argument ſtill holds. The ſtate of cultivation exiſts only by common labour. Abundance, decencies, accommodations, embelliſhments of life, have grown out of it—education, knowledge, intellectual refinement, and all the ſweets of poliſhed ſociety. Has not the labourer, then, a right (as his ſhare of the benefit) to maintain himſelf, *and a family*, in decency and plenty; and to give his children ſuch an education, as, according to the ſtate of ſociety, may be requiſite, to enable them, if they ſhould have the virtue and the talent, to improve their condition, and mount to their intellectual level—though it ſhould be from the loweſt to the very higheſt ſtation of ſociety? Not accident of birth—but worthleſſneſs, indolence, depravity, ſhould doom the individual to an abject ſtate. It is a vile, unnatural compound, this over-boiling cauldron of ſociety, in which the dregs of vice and licentiouſneſs for ever play, and froth and bubble at the top, while uſefulneſs and honeſt

induſtry are inceſſantly preſſed down to the bottom.

To conclude—From the whole of this argument, and from all the principles laid down in this and the preceding letter, it reſults, that the landed proprietor is only a truſtee for the community; and although he has a right to compenſation for the due management of the depoſit, if he monopolizes the advantages, in which all are concerned, and for which all labour, he is guilty of the worſt of robberies—robbery committed by the rich and powerful upon the defenceless poor.

I have not time—I have not ſpace, to illuſtrate every principle, as I could deſire—elſe could I call a bluſh upon the cheek of thoſe who boaſt the advantages of civilized ſociety—elſe could I call to view the comparative condition of the naked ſavage of America, who "ſees his humble "lot, the lot of all," and that of the poor, wretched, o'er-toiled, half-ſtarved, ill-clad, and worſe-lodged labourer of Britain; who, in the midſt of ſurrounding luxury, ſplendour, and refinement, rears his half naked children in ſavage ignorance, and hears them cry for bread, when bread is not his to give them. The naked ſavage of America!!!—I declare in the very bitterneſs of ſympathy, that to me, the condition of the naked ſavage appears, by far, more tolerable than

than that of a large portion, at leaſt, of the laborious claſſes in this happy, flouriſhing, cultivated iſland: bleſſed as it is with all the ſalutary inſtitutions, drawn from the old Germanic or Gothic cuſtumary! It has been ſaid in our Houſe of Commons, by the advocates for the Slave Trade, that the condition of the negro, in our Weſt India Iſlands, is preferable to that of our own peaſantry. It may be ſo. I proteſt it does not to me appear impoſſible. The argument is therefore concluſive—That we ought to *begin* with redreſſing grievances at home; and to deſpiſe the canting hypocriſy of a miniſterial tool, who can feel no ſympathy for any ſufferings but thoſe which are too diſtant for his redreſs.

What then, it will be ſaid, would you lead us back again to ſavage barbariſm? Would you ſtrip Nature of all the embelliſhments and refinements of civilization, and turn her, wild and naked, again into her woods?—No: I anſwer, no. I would extend civilization: I would encreaſe refinement. I would improve the real dignity of Nature. I would clothe her, completely—magnificently clothe her: but I would not load her with abſurd decorations, nor diſguiſe her genuine proportions. I would have her decent, and, if poſſible, elegant, in every part. I would not have her an incongruous patchwork of lace and rags—of gaudy

pageantry and obſcene filthineſs. Mine ſhould be no " drab-coloured creation;" but I would prefer a uniform Attic ſimplicity, in the ſtile of ſocial diſtribution, to the Neapolitan frippery of ſcarlet and gold, without ſhoes or ſtockings. It is Mr. B. and his college, who would drive us back into the woods, to learn the arts of civilization and government from the half-naked barbariſm of the Goths and Germans. It is Sir W. Blackſtone, and the fraternity of Lincoln's Inn, that would refer us, for " the elements and prin-" ciples of laws, to the cuſtom of the Britons " and Germans in the times of Cæſar and of " Tacitus."—*Black. Com.* vol. i. p. 36. The crime of the Jacobin is, that he looks forward to a ſtate of ſociety more extenſive in its refinements—more perfect, and more general in its improvements, than any which has yet been known.

The practicability of ſuch a ſtate, I ſhall argue in the ſequel of this work. In the mean time let me obſerve, that in ſome countries, ſome things have already been done towards the melioration we look for. In America (for example) the condition of the labourer is much improved. There, from the ſtate of wages, every hired cultivator is enabled, by tolerable diligence and ſobriety, to become, in time, a maſter and pro-

prietor

prietor himſelf; and ſervitude is not, of moral neceſſity, the life-eſtate of any man. In France alſo, (though France has not done all that ſhe ought, and has done many things which it is infamous to have done) yet has the condition of the labouring maſs been much improved. Nothing could exceed their wretchedneſs before the revolution. What has been their condition ſince I will not illuſtrate by the poetic ſtrains of panegyric, but by the language of diſſatisfaction itſelf—" Such," ſaid one of the denunciators of the Convention, " is the exceſs to which fore-" ſtalling and monopoly are carried, that a poor " ſans-culotte (one of the laborious multitude) " can hardly get a fowl for his pot."

France!—And dare I quote the example of France? I dare—I ought to quote it; as an example, and as a warning. Let us ſee what France has done that was right: and that, when it becomes neceſſary, let us imitate. Let us ſee what France has done that was wrong: and that let us always avoid. Let our rulers alſo (if they ſhudder, as all nature ought to ſhudder, at the exceſſes which have there been perpetrated) conſider what were the cauſes of thoſe exceſſes. Let them remember, that if the deſpotiſm of the Bourbons had never exiſted, the tyranny of Robeſpierre had never ſtained with crimſon horror the pages of hiſtory: had

the

the licentious cruelty and profligacy of the Court of Verſailles never unhinged the morals, and deſtroyed the ſympathy of the nation, the Septembrizers of Paris had never ſtrewed the ſtreets with maſſacre.

END OF LETTER III.

LETTER IV.

THE FEUDAL SYSTEM.

I. *Progreſs and Conſequences of Accumulation—Altered Condition of Labourers—Arts and Knowledge.* II. *Suppoſed Advantages of Accumulation* — 1. *Neceſſity for encreaſed Production*—*Anſwered.* 2. *Utility of an Idle Claſs*—*Diſputed.*—*Knowledge is Tyranny unleſs diffuſed.* III. *Monopoly of Arms*—1. *Uſe of Arms in Civil Communities*—*Firſt Inſtitutions of Rome.* 2. *Tyranny and Injuſtice of arming particular Claſſes*—*Conſequent Uſurpations.* IV. *Feudal Eſtabliſhments*—1. *Origin of Nobility*—2. *Of Villanage*—3. *Of Gentry. Hiſtorical Illuſtrations*—1. *Saxon Eſtabliſhments*—2. *Norman Conqueſt. Tyranny of Force.*

HAVING traced, in the preceding letter, the origin of unequal diſtribution, and the conſequent diſtinction of proprietor and labourer, I proceed in the preſent, to mark the progreſs of thoſe diſtinctions; and to probe, with unſhrinking hand, the evils to which they have given birth. In a future ſtage of the enquiry, I ſhall point out the appropriate remedies.

I. The diſtinction between proprietor and labourer, as I have already ſhewn, in whatever reſpected

reſpected the actual condition and accommodations of life, muſt, in the firſt inſtance, have been very ſmall. The dependence would be mutual; the terms of the compact, of courſe, reciprocal and fair. The wants of the proprietor, like thoſe of the labourer, would be few and ſimple. There would be none of that diſtance between them, which deſtroys all ſympathy, and ſubſtitutes in its place, contempt on the one hand, and, on the other, envy. The proprietor, poſſeſſed of more land than he can cultivate, looks round for aſſiſtance. He has land; he has ſtock; he has implements of huſbandry. Theſe conſtitute the ſole wealth of the little capitaliſt. He invites his leſs fortunate neighbour to aſſiſt him in his toils, and the produce is naturally divided, with ſome degree of attention to impartial juſtice.

Of this ſtate of ſociety, where the proprietor, or farmer, was joint and equal labourer with the perſons he employed, ſome traces remained in this iſland, in the memory of many who are ſtill alive. It exiſts, to this day, in all its primitive ſimplicity, in ſeveral of the happy Cantons of Switzerland. But as accumulation increaſed—that is to ſay, as the proprietors became fewer, and labourers multiplied, the chaſm extended; the latter became more dependent; the former more haughty and unfeeling. The neceſſity of perſonal induſtry was, in ſome degree, removed.

The

The reluctance to labour increaſed as the neceſſity diminiſhed; and reluctancy was ſucceeded by contempt. Habits of indolence generated, of courſe, a waſteful luxury, and a proud unſocial diſpoſition. A confuſed notion of diſtinct orders was formed; the real bands of fraternity were diſſolved; the *Eſprit du Corps* ſupplanted the genuine feelings of humanity; and as the toil of the labourer increaſed, his compenſation and his comforts diminiſhed.

In the mean time, however, knowledge and the uſeful arts would make ſome progreſs. The mere vices of the proprietor, would, in this reſpect, be productive of ſome advantage. Machines would be invented and improvements made; not, indeed, with the benevolent view of diminiſhing the toil of the labourer; but to furniſh a cheaper ſubſtitute for manual induſtry, and thus encreaſe, at once, the dependence of the cultivator, and the waſteful enjoyments of the employer. Theſe arts and inventions, as they threw advantages into the hands of the capitaliſt, would, of courſe, accelerate the progreſs of accumulation, till the labourers became ſo many, and their wants ſo urgent, that mere competition muſt reduce them to abſolute ſubjection, and deſtroy all chance of adequate compenſation.

Such was the ſtate of ſociety into which Athens and Rome declined, in their latter pe-

reſpected the actual condition and accommodations of life, muſt, in the firſt inſtance, have been very ſmall. The dependence would be mutual; the terms of the compact, of courſe, reciprocal and fair. The wants of the proprietor, like thoſe of the labourer, would be few and ſimple. There would be none of that diſtance between them, which deſtroys all ſympathy, and ſubſtitutes in its place, contempt on the one hand, and, on the other, envy. The proprietor, poſſeſſed of more land than he can cultivate, looks round for aſſiſtance. He has land; he has ſtock; he has implements of huſbandry. Theſe conſtitute the ſole wealth of the little capitaliſt. He invites his leſs fortunate neighbour to aſſiſt him in his toils, and the produce is naturally divided, with ſome degree of attention to impartial juſtice.

Of this ſtate of ſociety, where the proprietor, or farmer, was joint and equal labourer with the perſons he employed, ſome traces remained in this iſland, in the memory of many who are ſtill alive. It exiſts, to this day, in all its primitive ſimplicity, in ſeveral of the happy Cantons of Switzerland. But as accumulation increaſed—that is to ſay, as the proprietors became fewer, and labourers multiplied, the chaſm extended; the latter became more dependent; the former more haughty and unfeeling. The neceſſity of perſonal induſtry was, in ſome degree, removed.

The

The reluctance to labour increaſed as the neceſſity diminiſhed; and reluctancy was ſucceeded by contempt. Habits of indolence generated, of courſe, a waſteful luxury, and a proud unſocial diſpoſition. A confuſed notion of diſtinct orders was formed; the real bands of fraternity were diſſolved; the *Eſprit du Corps* ſupplanted the genuine feelings of humanity; and as the toil of the labourer increaſed, his compenſation and his comforts diminiſhed.

In the mean time, however, knowledge and the uſeful arts would make ſome progreſs. The mere vices of the proprietor, would, in this reſpect, be productive of ſome advantage. Machines would be invented and improvements made; not, indeed, with the benevolent view of diminiſhing the toil of the labourer; but to furniſh a cheaper ſubſtitute for manual induſtry, and thus encreaſe, at once, the dependence of the cultivator, and the waſteful enjoyments of the employer. Theſe arts and inventions, as they threw advantages into the hands of the capitaliſt, would, of courſe, accelerate the progreſs of accumulation, till the labourers became ſo many, and their wants ſo urgent, that mere competition muſt reduce them to abſolute ſubjection, and deſtroy all chance of adequate compenſation.

Such was the ſtate of ſociety into which Athens and Rome declined, in their latter periods.

riods. Such is the ſtate of ſociety to which Britain is, at this time, reduced. Property is accumulated into ſo few hands, and the condition of the labourer has, in conſequence, become ſo abject, that the maſs of the people may, in reality, be conſidered as ſlaves; with this diſtinction only, that they are ſubject to the whole *Corporation of Employers*, inſtead of an individual proprietor.

II. There are, I know, among the well-meaning advocates of prevailing ſyſtems, ſome who ſpeciouſly maintain the advantages of accumulation, on the grounds of general expediency: upholding its two-fold operation, in promoting an encreaſed production, and the advancement of knowledge and civilization.

1. Agricultural improvements, it is ſaid, on account of the ſlow returns of profit, and the great expence with which they are attended, require large capitals. Without theſe, new lands could not be brought into cultivation, nor could the old be properly improved: labour could not be diminiſhed by thoſe machines and inventions that abound among a nation of capitaliſts; nor could thoſe innumerable experiments be made, by which the productive powers of the earth are ſo conſiderably encreaſed.

It is ſomewhat extraordinary, I confeſs, to hear ſuch arguments in a country which boaſts (with ſufficient

ſufficient foundation) its extenſive—I might ſay, enormous capitals; but in which, nevertheleſs, a third part of the land actually remains uncultivated*; while the wages of the agricultural labourer will not furniſh him with *mere bread* and cloathing†, and the product of the cultivated ſoil, notwithſtanding its vaunted fertility, and the penury of ſo large a portion of the people, is inadequate to the actual conſumption†. But in fact, in the diſcuſſion of this queſtion, all that has been advanced in favour of the capitaliſt might ſafely be admitted, and yet the miſchiefs of territorial accumulation be ſufficiently demonſtrated: for *Production is not, or at leaſt ought not to be, the ſole object of agricultural labour; or, indeed, of any ſpecies of induſtry, in civil ſociety.* There is another object, if poſſible, ſtill more important —*General and impartial diſtribution:* And diſtribution, with reſpect to the *common neceſſaries* of life, to be impartial, muſt be equal: for all have mouths, and all ought to be fed—the la-

* See Report of the Agricultural Society, on waſte lands.

† Davies's Ca. Lab. in Huſb. This humane book is priced 10s. 6d. Perſons who wiſh to be in poſſeſſion of the facts at a cheaper rate, will find all that is important to the preſent diſcuſſion in the ſeries of Political Lectures, beginning with No. 29, of the Tribune, vol. ii. together with a great body of facts, laboriouſly collected from a variety of authentic documents, and brought into one point of view, in ample illuſtration of this important ſubject.

bourer who toils, and ſweats, and freezes in the field, as much as the capitaliſt, who furniſhes the land to be cultivated, and the ſtock to be employed in cultivation. It is privilege enough for wealth to monopolize the *luxuries* of the earth, and decide, with fickly caprice, between pheaſant and ortolan---Burgundy and Champagne: In the preſent ſtate of ſociety, bread and milk, and meat and beer, and thoſe in full abundance, and warm clothing, and a well-covered bed, and a winter's fire, are to be reckoned among the abſolute rights of the productive labourer and his family. The indolent and the profligate, alone, ſhould ever taſte of penury.

Where this diſtribution is neglected, encreaſed production is but an inſulting mockery, and aggravates the evils it ſhould remove. Civil Society, under ſuch circumſtances, becomes a grievous yoke; and agricultural ſcience, not a bleſſing but a curſe: for, better is a little that is well diſtributed, than much that is monopoliſed and waſted; and ſmall indeed would be the labour, if equally divided, (perhaps not three hours in a day, even under the rudeſt circumſtances of cultivation) that would be neceſſary to furniſh the individual with better ſubſiſtence than the labourer now enjoys. The fact is, that, whatever progreſs may be made, from accumulation, in the invaluable ſcience of agricultural production,

tion, the waſte and luxury of the proprietor will always more than keep pace with the improvement: and the maſs will, accordingly, be depreſſed and beggared, by that very abundance which themſelves produce: a ſtatement which, with reſpect to this country, in particular, may be clearly demonſtrated from the facts contained in "Davis's Caſe of Labourers in Huſbandry," and the "Repreſentation of the Lords of the "Committee of Council on Corn," quoted in p. 49 of that work. Thence it plainly appears, that the efficient produce (that is to ſay, the proportion of the production to the conſumption) has decreaſed, to the value of an annual million, during the laſt thirty years (in which almoſt all the ſmall farms in the nation have been ſwallowed up by the vulture-maw of accumulation.) "On an average of nineteen years," ſays the repreſentation, "ending in 1765, the corn ex-"ported from this country produced a clear "profit of 651,000l.; but on an average of "eighteen years, ending in 1788, we paid to "foreigners, for a ſupply of corn, no leſs than "291,000l.; making an annual difference to "this country of 942,000l." Since that time the evil has incalculably encreaſed. Hence the growing miſery of the poor, and all the dreadful *et cætera* which make the preſent ſtate of ſociety ſo truly alarming.

But

But how happens it, my fellow citizens, that theſe experiments and improvements, this break-ing-up of new lands, and ſtocking old ones, require ſuch extraordinary capitals? Does not this very neceſſity ariſe out of the accumulation of which I complain? Of the expences in-curred in theſe caſes, how much is to be re-garded as the real price of commodity, and how much as the conſequence of taxation? Alas! you are ignorant of theſe things: you think not of taxes, but when the collector comes to your door: you forget that your ſtomachs have been guaged and your backs been meaſured by rates, by cuſtoms, and exciſes; and that eat, drink, or wear what you will—touch what you will, for induſtry, or for pleaſure, fifteen ſhillings out of every twenty muſt go for tythes and taxes! And how comes all this? Comes it not from ac-cumulation? As property encreaſes in the hands of the few, luxury, and oſtentation increaſe, alſo. But, be the luxury and oſtentation of the pro-prietors what they will, the government will, of neceſſity, be ſtill more oſtentatious and luxurious. The ſecretary of a ſecretary, muſt vie, in his table and his equipage, with the principal land-holders of the nation; and the merry-andrew who lacquies the heels of royalty, muſt have his lacquies alſo to do homage to him. And whence muſt all this come? From the pockets of the people.

people. But to take it in groſs ſums would be an experiment too daring. Hence it is to be ſplit, and frittered and ſcattered up and down, till every commodity is taxed and re-taxed, and taxed again, in fifty different ways. The enormity of the burthen is, of courſe, diſguiſed; not leſſened *. Hence the enormous expence of all improvements—all production: ſo that great capitals are requiſite, not for the actual cultivation of the earth, but for the fines that muſt be paid to government for permiſſion to cultivate.

2. But it will be objected, that for the projection of theſe improvements and experiments—for the invention of machines, and the diſcovery of

* I will give but one inſtance—to me an intereſting inſtance. How many times is this little pamphlet taxed before it comes into the hands of the reader? The linen from which the paper is manufactured has been taxed, in more ſhapes than one. The mill, and all the ingredients of which it is conſtructed, have been taxed alſo. The paper itſelf has been taxed at the manufacturers, and at the warehouſe. The metal of which the types are conſtructed is alſo taxed. The pamphlet itſelf is then taxed at the ſtamp office, before it can be publiſhed. The houſe and warehouſe of the publiſher is likewiſe taxed; and all the articles neceſſary to the ſupport of all the work people, &c. from the linen weaver, nay, from the cultivator of the flax, to the laſt retailer in the ſhop, whoſe time and attention have been neceſſary to its publication, all have been taxed, and all, muſt be taken into the account; for out of this little book they muſt all be paid. Nor is the account yet cloſed. Eight or ten pounds worth of advertiſements are yet neceſſary to its publication; or the pamphlet will lay on the ſhelves of the

of uſeful theories, conſiderable knowledge is requiſite; and that knowledge is the fruit of leiſure; and leiſure of affluence. This objection immediately leads us into the ſecond branch of the hypotheſis in favour of accumulation: namely—the advantages derived from an idle claſs, who *may* employ their leiſure in promoting uſeful knowledge and liberal ſcience; by which alone, it muſt be granted, the real civilization of the world can be advanced.

To this argument, however ſpecious, there are ſeveral ſerious objections. 1. "Science is not "ſcience till revealed," is a maxim not more trite than true: and certain it is, that knowledge cannot operate, to any beneficial purpoſe, or produce

the publiſher, and be never heard of. And what is this additional charge? Almoſt all taxation. The newſpaper has been obliged to run the gainloop of taxation, in the ſame manner as the pamphlet, with the additional circumſtance, that out of fourpence-halfpenny, the price it ſells at, threepence-halfpenny is demanded by the ſtamp-office for every paper printed; and out of the price paid to the editors for each advertiſement, the ſtamp-office ſeizes upon ~~by far~~ the largeſt portion alſo. It is obvious, that but for theſe circumſtances, the book might be ſold at a quarter of its preſent price; and yet the profit of the author be conſiderably greater. In the Tribune, vols. ii. and iii. are ſome ſimilar calculations, or rather enumerations, applied to the common neceſſaries of life. Citizens! Citizens! we toil not for ourſelves, or our families—we toil for Taxation —that is to ſay, for placemen, penſioners, and borough-mongers!—for war and corruption!—for encreaſing burthens that rivet accumulating fetters!

produce any general civilization of ſociety, till it becomes pretty generally diffuſed. Like all other things, good in themſelves, it becomes, when perverted by monopoly, a ſource of evil: for *Knowledge is Power!* and, as ſuch, when monopolized, is an inſtrument of oppreſſion.—2. Is knowledge a good thing? I grant it is.—It is a bleſſing ineſtimable in its value: but it is a bleſſing multiplied by participation. And whence does it ariſe? Does it not grow out of the compacts and arrangements of civil ſociety?—out of that ſtate of laborious cultivation for which the civilized world has relinquiſhed the idle independence of the ſavage and paſtoral ſtates? All muſt labour that knowledge may exiſt. Have not all, then, an equal right to its advantages?—That is to ſay (barring phyſical defects, and adventitious impediments) an equal right to the opportunities of obtaining thoſe advantages: for *Equality of rights conſiſts not in equality of diſtribution; but in equal opportunities of benefiting by the things diſtributed.* But, as accumulation encreaſes, the comparative ignorance of the multitude encreaſes, alſo: nay, it is much to be doubted, whether the inceſſant labour, to which they are doomed, to ſupport the waſteful luxury and profligate oſtentation of the idle claſs, does not ſink them lower and lower in a ſtate of *poſitive* ignorance. In ſhort, it becomes, at laſt, a matter of ſtate policy, among

theſe idle claſſes, to keep the maſs of mankind as ignorant as poſſible: the dull brain, as well as the ſtrong ſhoulder and horn-like hoof of the ox, being regarded as a neceſſary attribute for the goaded, muzzled herd who are to tread out *their* harveſt, and to bear their heavy yoke.—3. But the grand objection of all is, that the real improvers of ſociety—the real cultivators of arts and ſciences, even to their higheſt branches—the real promoters of moral and intellectual improvement, are ſeldom found among that idle claſs which the progreſs of accumulation has created. Bacon, in England; the Medici, in Florence, and a few more illuſtrious exceptions might indeed be produced; but luxury and mental indolence, effeminacy, or brutal ambition, and the lethargic ſelf-importance of ignorant pride, have been the general characteriſtics, in all ages, of the higher orders of ſociety. The true lights of literature—the poets—the moraliſts—the genuine politicians, have generally ſtarted, like the prophet of Galilee and the philoſopher of Athens, from the obſcure ſtations of mechanic life: or, at leaſt, from the middle claſſes of ſociety. Not all the Alchemy of feudaliſm can extract the ore of wiſdom from the baſe metal, and falſe coinage of arbitrary diſtinction; nor was the inſpiration of genius ever derived from the proud vaults and ſplendid charnel houſes of an *illuſtrious* anceſtry.

That

That the monopoly of knowledge was, however, an early conſequence of the accumulation of property, is not a mere ſpeculative opinion. It is obvious from all the facts of hiſtory. It was the caſe in the ancient world. It was the caſe in the dark or middle ages. It was the caſe on the revival of literature in the fourteenth century. It is equally obvious, that its vital influence was never properly felt in ſociety, till it had riſen above the lofty mountains of ariſtocracy, and the proud pinnacles of epiſcopal myſticiſm, and illuminated the vale of humble life. The heads of the towering cedars look gay, indeed, gilded by the riſing or the ſetting ſun; but its foſtering beam is then moſt beneficent when it falls upon the lowly, but fruit-bearing ſhrub. In other words, it is not from the ariſtocracy, even of knowledge, that mankind has derived moſt benefit: and, with all his defects, all his groſſneſs, and all "his ignorance!" *one Thomas Paine is worth a dozen Ariſtotles, ~~or even a dozen Gibbons~~.* and his whole race of linguists, metaphysicians & theologians

III. An inevitable conſequence of the monopoly of knowledge, and the inceſſant drudgery of the multitude, would be the application of that privilege to the arts of force. The ſtate of war may indeed too juſtly be conſidered as a ſtate of nature. In the ſimpleſt conditions of ſociety we witneſs its barbarous ravages; and the ſtate of cultivation and growing proſperity, however it

may ſeem to hold out the flattering proſpect of repoſe, is far from removing the temptations of military violence. *The Wealth of Nations*, like the honey in the hive, invites the cruel hand of rapine and murder. Nay a part, a powerful part of every nation, however civilized, may be regarded as a band of robbers: and the poliſhed Athenian, the auſtere Spartan, the voluptuous Roman, and the Germanic barbarian, alike, accommodated their different ſyſtems to this common object; and deſtined one portion of the people to toil, and one to bleed. In ſhort, the fierce and indolent proprietors perceiving the advantages, and thirſting for the glory, of military ~~expeditions~~ achievement, ſoon monopolized the arms, as inſtruments of foreign plunder, and of domeſtic tyranny. They reduced the uſe of them to a ſcience, and diſdained all other employments. This is the firſt grand ſtride towards the ſyſtem of organiſed tyranny, as uſurped and exerciſed by " the " privileged claſſes, orders, diſtinctions, ſtates," and ſince " improved, digeſted, and ſyſtematized" into that holy and oracular repertory of politics, liberty, and morals, " the old Germanic or " Gothic cuſtumary! But ſure a more atrocious violation of all principles of right and reaſon exiſts not in the whole hemiſphere of oppreſſion, than this appropriation. The ſcience of arms is,

in

in its very nature, an abuſe. Other inſtitutions, however vile corruption may have rendered them, may trace their origin, perhaps, to ſome juſt principle: but the very object of arms, from the beginning, could, in the main, be nothing but violence and oppreſſion. The beſt that can be ſaid for them, under any circumſtances, is that they are a tolerated evil: and I ſhall proceed to ſhew, that unleſs poſſeſſed by every individual in the ſtate, they are an evil not to be tolerated at all.

1. The only real uſe of arms, in any country, is the protection they may afford againſt the arms and violence of other ſtates. They have indeed too frequently been conſidered as proper inſtruments to protect *the Faction of Government* againſt the diſcontents of the nation. But governments have no right to any other protection than the affections of the people for whom thoſe governments exiſt: and this, if they diſcharge their duty, even with tolerable wiſdom and honeſty, will always be defence enough. Now the general protection of a country muſt, of neceſſity, be beſt ſecured, when every man in that country is a ſoldier, and every man is armed. Armed nations have always been invulnerable to invaders from without—But true it is, that they are equally formidable to tyrants within.

Arms

Arms fail, then, of their only juſtifiable object, when they are made an excluſive profeſſion. They are calculated for the purpoſes of external defence, only when in the hands of the many; of internal uſurpation alone, when in the hands of the few. In ſhort, they are calculated, altogether, for the frontiers, not for the interior: and in towns and villages, the very character and accoutrements of the ſoldier ought never to be ſeen. Whatever is requiſite for acquiring the art of war, ſhould be practiſed in fields and on commons. In a peaceful city, the very ſight of weapons is a deteſtable outrage. According to the original inſtitutions of Rome, every man was a ſoldier, without the walls; and obliged to appear, on the firſt ſummons, with his arms and all equipments; but within the confines of the city, no one, except the lictors, who bore the faſces before the Chief Magiſtrate, and they were but twelve in number, was permitted to carry any weapon whatever*. A wiſe and excellent proviſion, to which,

* Even Romulus, at the latter end of his reign, when, as we learn from Plutarch and Dionyſius, that *King* "began to "aſſume the *Monarch* to an odious degree," and to violate all the proviſions of that popular conſtitution which himſelf had founded; the celeres, or guards, whom he collected about his perſon, to keep the people at a diſtance, and chaſtiſe the ſeditious language and wry faces of malcontents, were armed only with ſtaves, and thongs of leather, hung around their girdles, to bind the refractory, whom they could not over-awe.

it

it is partly to be attributed, that for near ſix hundred years, none of the innumerable ſeditions, about which ariſtocratical declaimers make ſo much parade, were productive of any actual violence or bloodſhed *; till Scipio Naſſica, and "a "band of ruffian ſenators," with their ſlaves and clients at their heels, violated the law, attacked the unarmed people, aſſembled for the election of their magiſtrates, and, after ſatiating their rage with plebeian maſſacre, extinguiſhed Roman liberty in the blood of Gracchus †.

2. It

* Unleſs, indeed, a *boxing match*, which now and then took place between the patricians and plebeians, and in which the former were, uniformly, the aggreſſors, (ſee Dion. Livy, or any *Roman* Hiſtorian) may be regarded as an exception.

† In a note upon my Firſt Letter, (3d edit. p. 21.) I have noticed a glaring miſrepreſentation in a farrago of forgeries, entitled, "Sketch of Democracy," written by an apoſtate pedagogue of the name of Biſſet. Another inſtance of the perverſion of facts, will ſufficiently expoſe the whole character of the compoſition; and then Dr. B.'s ſix ſhillings-worth of Ariſtocracy is ſufficiently anſwered. This *fellow* (to greet him in his own language—for with him every plebeian, and every advocate for the plebeians, is a *fellow*) having ſhewn his ignorance of the Agrarian law (p. 225.) and placed Scipio Naſſica (p. 229.) "at the head of an Aſſociation for defending Liberty "and Property againſt Innovators and Levellers," proceeds to "ſtate (p. 230.) that "Tiberius (Gracchus) prepared by force, "to oppoſe the aſſociation of men of property and patriotiſm. "A ſcuffle enſued, in which Tiberius fell," &c. Now the fact is, that Tiberius, inſtead of preparing to effect any reformation by force, was ſtanding upon the huſtings (if I may uſe the term) in the Capitol, peaceably, and unarmed, as candidate for the Tribuneſhip: and his friends, peaceable and unarmed, alſo,

2. It is allowed, on all hands, that a main object of political inſtitution is, the protection of the weak againſt the ſtrong: in other words, the moral equalization of phyſical force. But to arm particular claſſes, is to create new and ſtill greater inequalities: to make the ſtrong ſtill ſtronger; and leave the weakneſs that ought to be defended ſtill more defenceleſs. Property, of itſelf, creates a formidable influence, too often hoſtile to the Equality of Rights. Its tyranny is as ma-

alſo, were voting for his appointment to that office; when Scipio Naſſica and his Aſſociators, or as Hook very properly calls them (*Rom. Hiſt.*) "a band of Ruffian Senators," attacked them with clubs, and ſwords, and daggers; murdered ſome, diſperſed the reſt, and aſſaſſinated the able and virtuous object of their terror, and their hatred.

Caſſius has been called "the laſt of all the Romans:" but the genuine Roman Character was extinct before Caſſius was born. He was, indeed, the laſt of the Roman Ariſtocracy: but genuine Republican Rome expired with the Gracchi. The atrocious conteſts that enſued, between Sylla and Marius, and Cæſar and Pompey, were mere ſtruggles of individual ambition—or at leaſt of *Monarchic and Ariſtocratic factions*; of which the corrupted and degenerate people were the inſtruments, not the objects.—As for the Agrarian Law, to which the Gracchi fell illuſtrious martyrs, I have long meditated a Treatiſe upon this ſubject. Suffice it here to obſerve, that notwithſtanding the miſrepreſentations into which Engliſh writers have ſometimes been betrayed by ignorance, and ſometimes led by deſign, it was not a law for the reſtriction of private property, or the violation of any man's legal hereditary eſtate. Spelman, in a note upon his tranſlation of Dionyſius (vol. iii. p. 411.) is the only Engliſh writer I have met with, who places this ſubject in its true light.

lignant

lignant, and certainly much more extenſive than that of mere animal ſtrength. Nothing in political ſcience is more deſirable than to diſarm it of its power, without violating its ſecurity. But ſurely, nothing can be more iniquitous than to encreaſe that power by privileges and exemptions; and to make the appropriated ſcience of arms the obſequious, but ferocious vaſſal of ſuperior wealth. A military government, under the capricious direction of pride and opulence, is as much a ſtate of anarchy as any tyranny that could be exerciſed by the unaſſociated ferocity of barbarian force. Machiavel, in his "Diſcourſes on Livy" (b. i. c. 5.) has ſufficiently demonſtrated, that arms are more likely to be abuſed by the wealthy and the great, than by the common people. "Freedom," ſays he, "is moſt properly "committed to their cuſtody who have leaſt ap-"petite to uſurp. And, certainly, if the ends and "deſigns of both be conſidered, it will be found, "that the Nobility are ambitious of dominion, "while the Commons, having leſs hope to uſurp, "have more inclination to live in freedom."—And again:—"Diſturbances," he adds, "are "moſt frequently cauſed by thoſe who have large "poſſeſſions, becauſe the apprehenſion of loſing "what they have got, produces the ſame eager-"neſs and paſſion, as deſire of acquiſition does in "others; while, at the ſame time, they ſeldom

" think themſelves ſecure in what they have, but " by new accumulation. Add to which, the " more wealth, or territory they have, the more " power they poſſeſs of uſurping as they ſee oc- " caſion."

IV. This appropriation of arms neceſſarily divided the people into two diſtinct claſſes: 1. The Military, or privileged order, who were to enjoy full *liberty* to plunder, riot, and ~~deſtroy~~ *commune*; and whoſe glory and conſequence were to be proportioned to the havock they made of the human ſpecies; and, 2. The Servile claſs, doomed to toil for the ſubſiſtence and luxury of this ſanguinary banditti, and to be deſpiſed in proportion as they were really uſeful and important. Such were the diſtinctions of which we have rude ſpecimens in the inſtitutions of our German and Gothic anceſtors. Such alſo, in a more informed and cultivated age, and incorporated with a ſyſtem at once rude and majeſtic, ferocious and refined, were the diſtinctions eſtabliſhed in the Lacædemonian ſtate: where, though property was annihilated, as an individual diſtinction, it was preſerved as the diſtinction of a claſs; and arms and freedom were the common privileges of the Spartan; toil and unconditional ſlavery, the common lot of the Helote:—a diſtinction well worthy of remembrance: for in every ſtate, however modified, *the*

claſſes

claſſes that have neither land, nor wealth, nor arms, muſt, in effect, be ſlaves. To theſe, under the feudal ſyſtem, was added, *a third*, or intermediate claſs, growing out of the firſt, and the neceſſary inſtrument of its oppreſſive power.

1. The poſſeſſion and uſe of arms thus monopoliſed by a combination of principal proprietors, the ſequel of the feudal ſyſtem follows of courſe. They fall upon the ſmaller proprietors, murder ſome, diſpoſſeſs the remainder, and enſlave the whole community. Intoxicated with power, and enflamed with the *glory* of theſe exploits, they then turn round upon the neighbouring ſtates; repeat their ravages; extend their territories; conſtitute themſelves, and their poſterity, ſole rulers over the enſlaved and deſolated countries, and govern by the ſword ~~and terror~~.

But regular ſchemes of military violence are not to be executed without an individual leader. Some chieftain, therefore, renowned for ſavage deeds, becomes the director, or the inſtrument, of theſe atrocious enterpriſes: and thus are laid the foundations of individual tyranny. The robberies and murders are all committed in his name; large diſcretionary powers are veſted in his hands, for the execution of the common deſigns: and his power, of courſe, is acknowledged as ſupreme in the firſt enthuſiaſm of ſucceſs and victory. The conqueror, therefore, either of his own or a foreign country, takes poſſeſſion of the

conquered territory as his property. Every thing is HIS: *his* country, *his* victory, *his* people. He bought them at the common mart of feudaliſm: and the price was blood. He is, however, in effect, the umpire only, not the permanent poſſeſſor; and the major part of the ſpoil is divided among the principal leaders of the banditti, according to the dictates of his caprice, the power and number of their reſpective followers, or the ſtandard of their own "bad eminence." And ſuch, according to "the venerable Gothic cuſtumary", is *the origin of the* ORDER OF NOBILITY! If hereditary deſcent, therefore, were to ſtamp its current character upon a particular race, nobility, inſtead of a patent of reſpect, would be a title to our deteſtation and abhorrence. But crimes are no more hereditary than virtues: and moral attributes are not to be acquired, like legiſlative wiſdom, by "ſwaddling, and rocking, and dand-"ling."

The large diſtricts, thus allotted by the captain of the banditti to *his* great lords, are of courſe doled out again, in ſmaller parcels, to *their* inferior lordlings; who either ſubdivide them again, for proper compenſations and ſervices, or, compelling the maſs of the inhabitants to cultivate them as ſlaves, maintain themſelves and their chieftains in riotous luxury with the produce. "Allotments, *thus acquired*," (ſays Blackſtone) "naturally engaged ſuch as accepted them to defend

defend them: and as they all ſprang" (to tranſlate his legal language into plain Engliſh) "from the ſame *right of robbery and murder*, no part could ſubſiſt, unleſs the whole were preſerved, by the ſame violence and injuſtice as it was obtained; wherefore all givers, as well as receivers, were mutually bound to defend each other's uſurpations. But as that could not effectually be done in a tumultuous or irregular way, a chain of dependence and ſubordination was neceſſary, from the chief robber down to the meaneſt acceſſary in the plunder." A regular organization was accordingly invented to ſecure, and a correſpondent ſyſtem of laws to ſanctify, the uſurpation. Both the robbery and the diſtribution were legalized with all the ſolemn mockery of forms and words; and it became Treaſon and Rebellion in the original proprietors to diſobey their plunderers, or ſeek the reſtoration of their rights. "Every receiver of the ſtolen property was bound, when called upon by his ſub-captain, or immediate commander and benefactor, to do all in his power to defend him, right or wrong. Such benefactor, or commander, was likewiſe ſubordinate to, and under the command of his immediate captain, or benefactor; and ſo upwards to the chief captain, or generaliſſimo, of the banditti himſelf. The ſeveral chieftains of the gang were, alſo, reciprocally bound, in their reſpective gradations, to protect the plunder they had diſtributed.

ted. Thus the feudal connection was eſtabliſhed, a proper military ſubjection was artfully introduced; and an army of depredators was always ready enliſted, and mutually prepared to muſter, not only in defence of each man's own ſeveral ſhare of the plunder, but, alſo, for the defence, or enlargement, of the newly eſtabliſhed uſurpation *."

That this chain of reciprocal dependencies might be kept entire; that the reſpective links might not be broken or weakened; that the vaſſal might never, by looking ~~up to~~ round upon his family, forget to look up to his chief; and, above all, that every proprietor (or uſurper) might be able, according to the original rank and character of his fee, to attend, with an appropriate number of vaſſals, upon his chief, and ſupport the expence and preparation of new conqueſts and inceſſant wars, the barbarous Law of Primogeniture was invented: and, thus, the very principles of property were violated in ſyſtem, as the poſſeſſion

* Black. Com. B. ii. c. 4. I have taken the liberty to make my author, though a lawyer and a judge, ſpeak in plain, unſophiſticated language, throughout this whole quotation. The ſurfeit I took, in my juvenile years, of the gloſſing and barbarous jargon of the law, leads me to ſuppoſe that every reader will gladly be excuſed the perſonal trouble of tranſlating its obſcurities and cant phraſes, into their true and intelligible meaning. If it were poſſible to tranſlate the whole library of the law in the ſame manner, the eyes of mankind would be eſſentially opened; and it would then be ſeen how far the proud boaſt, &c. &c. &c.

had

had been, before, in practice.—I repeat it—The very principles of property are violated by this law: for, if there is such a thing as a principle of descent, growing out of the nature and foundations of property, it is this—that *the property acquired by the industry of the parents, should descend to those whom the passions of such parents have brought into an appropriated world.* If all, then, are, alike, the children of their parents, all are, alike, their heirs*: and if this consanguinity ought not to dictate the descent of property, then is not property at all descendable; but ought either to depend entirely upon the bequest of the proprietor, or return into the bosom of the state, for the general benefit of the community. I am, however, for the relative feelings and the regular descent of property. But plunder---not property, was the principle of the feudal system: massacre and desolation---not social virtue. The ties of nature were therefore torn asunder; the relative sympathies were trampled under the iron hoof of military despotism; and (that the landholder might be able to serve the chieftain

* I would add, "However begotten—whether in marriage, or out." But Mr. B. and the priests would call me an encourager of licentiousness, of bastardy and prostitution. O words! words! how are things abused by you. But man is man, and nature nature, and parent is parent, and child is child, whether a conjuror in a black gown mutter his spells or not.

in

in his wars) the younger brethren were ſpurned, as outcaſts, or retained, as ſervile dependents, in the paternal manſion; and the orphan daughter, in the defenceleſs bloom of youth and innocence, was diſcarded as an alien from the poſſeſſions and reſidence of her departed, perhaps ſlaughtered, father.

Such is the organization and character of the military, or privileged orders, under the boaſted feudal, or Gothic ſyſtem.

2. As for the uſeful claſs---the cultivators, or maſs of the people---they are held, "as Sir "William Temple ſpeaks, in a condition of "downright ſervitude, uſed and employed in "the moſt ſervile works, and *belonging*, both they, "and their children, and effects, to the lord of "the ſoil, like the reſt of the cattle or ſtock upon "it." *(Black. Com. B. ii. c. 6.)* In other words, the plundered and disfranchiſed multitude, reduced to labour, like beaſts of burthen, in the cultivation of the poſſeſſions wreſted from them, are kept in utter ignorance, by inceſſant drudgery and the jealous tyranny of their maſters; and are allowed only a ſcanty ſubſiſtence out of the produce of their own toil and property.

To fortify themſelves in theſe uſurpations, and at once debaſe and terrify the trampled multitude, the imperious banditti, build caſtles upon the hills, and cathedrals and monaſtries in the vallies;

vallies; that thus they may enjoy *their liberty* of plundering and ſubjugating at pleaſure; and guarantee the oppreſſions of one world by the terrors of another.

3. In addition to theſe precautions, every great proprietor maintained, in his caſtle, and on his eſtate, a ſort of ſtanding army: —a lazy, turbulent, voluptuous ſwarm of dependents, who *wore his livery*, bore about with them (as a ſort of patent of licentiouſneſs) the badges of his rank and family; banquetted in his hall, aſſiſted his rapes and ſeductions, and robbed and murdered, at his bidding. Theſe being held in a ſort of liberal and familiar dependence, well armed, and comparatively diſciplined, prided themſelves in their obſequious attachment, kept the inferior vaſſals in due ſubjection, and filled the tenantry, and even the ſurrounding eſtates, with terror and conſternation. This departmental banditti, or hoſt of *liveried varlets*, was principally ſelected from the younger, and, of courſe, disfranchiſed and diſinherited branches of the noble families (ſmall or great): and were therefore called *Gentlemen*; as if no perſon was, in reality, of the race, or *generation* of man, who was not, at leaſt in ſome collateral line, deſcended from ſome one of thoſe military robbers and uſurpers, who, like the *Baron de Warren*, could produce their ſwords as titles of proprietary, and patents of diſtinction.

Do you wiſh, my fellow-citizens, for particular illuſtrations of this general hiſtory of the Gothic cuſtumary? I need not refer you to the origin of the Scythian nations; or the diſſolution of the Roman empire, and conſequent eſtabliſhments of the Goths, the Huns, the Franks, the Vandals, the Lombards, the Burgundians, and the whole ſwarm of heroic depredators, poured out from the northern hive. The annals of our own country furniſh ſufficient inſtances.

1. Were not the *ſeven kingdoms of the heptarchy*, with their Hengiſts, and their Ellas, and their Cerdics at their head, thus founded, and the proprietorſhips, under them, thus eſtabliſhed? Were they not afterwards melted into an individual ſtate in the ſame crucible of blood and violence, under the auſpices of EGBERT, *firſt king of all England?* And though the Saxon inſtitutions were deficient (if deficiency it may be called) in many of thoſe features of deformity which characteriſe the feudal ſyſtem, yet the general proportions were much the ſame. The territory was ſeized by murder and rapine; the proprietors were diſpoſſeſſed; ſuch as eſcaped the general ſlaughter, were either driven into the mountains of Wales, or reduced to the moſt abject villanage; the lands were divided among the victorious banditti; ſociety was ſplit into its

its various orders, and the main diſtinction between *military freemen*, and *agricultural ſlaves*, was, ultimately, eſtabliſhed in all its rigour. Such were the boaſted inſtitutions of our Saxon anceſtors.

2. In the *Norman conqueſt*, we have an inſtance completely in point.—But, perhaps, I ought to tread this ground with fear and trembling. Perhaps I ought to remember the grave looks of judges, the emphatic tone of public proſecutors, echoing the words, as they diſtilled (one drop of truth through a lymbic of perjury) from the lips of a hireling witneſs, and all the breathleſs wonder, which threw a deeper ſhade over the ſolemn mummery of the ſcene, when I was proved (upon an awful occaſion) to have called our firſt William "a Norman robber!" But the thing is true; and I cannot tremble at the repetition. As man, I am a rational being; and I muſt think and ſpeak. Circumſtances—if I may adopt the language of Mr. B. on this occaſion—have "made *me* (alſo) a *public creature*," as ſuch I muſt exiſt, or not at all: and, if facts fall in my way, I muſt repreſent them as they appear to me.

William the Norman having collected together, by general proclamation, the nobles and aſſaſſins, the princes, and the free-booters of the conti-

nent, ſelected from them an army of 60,000 men; and having obtained the pope's bleſſing, and, of courſe enliſted heaven upon his ſide, invaded England, murdered the elected prince, the nobles, and the freeholders, and ſeizing upon the lands of all who reſiſted, divided them among his followers. But as ſome of the proprietors, after this firſt victory, ſided with the conqueror, and aſſiſted his acceſſion to the throne, he had not an immediate opportunity of ſeizing upon the whole territory; and many diſtricts ſtill continued to be held upon the Saxon tenure: one of the beſt properties of which was, that the eſtates deſcended to all the children, and not excluſively to the eldeſt ſon. But in the nineteenth year of his reign, *a pretence was made of an apprehended Invaſion:* " upon which he brought over (another) " large army of Normans and Bretons, who " were quartered upon every landholder, and " greatly oppreſſed the people." Under their auſpices, " the king held a great council to " enquire into the ſtate of the nation; the imme- " diate conſequence of which was the compiling " of the great ſurvey called *Doomſday Book!* " which was finiſhed in the next year: and in " the latter end of that very year the king was " attended by all his nobility at Sarum; where " all the principal landholders *ſubmitted their* " *lands to the yoke* of military tenure, became the

" king's

" king's *vaſſals*, and did *homage* and fealty to his " perſon." Thus was the feudal ſyſtem (with all its tyrannous appendages, and the barbarous law of primogeniture among the reſt) eſtabliſhed in all its rigour; and " it became a fundamental " maxim, *that the king is the univerſal lord, and* " *original proprietor of all the lands in his kingdom:* " *and that no man doth, or can poſſeſs any part of it,* " *but what has mediately or immediately been derived* " *as a gift from him, to be held upon feudal ſervices*" [that is to ſay upon ſervices of robbery and murder.] *Black. Com.* b. ii. c. 4. The men of Kent, however, by a brave defence of their liberties, prevented this territorial uſurpation. The eſtates, through that whole diſtrict, continued to be held in Gavel-kind (that is, they deſcended to all the ſons alike) till the charter of John disfranchiſed the lands held under the ſee of Canterbury, and the ſtatute 31 Henry VIII. reſtricted this juſt and natural law within ſtill narrower bounds.

Such, then, is the feudal ſyſtem; and ſuch the origin of landed property under "the Gothic cuſtumary." Do I wiſh then to ſhake this property? Again, and again, I anſwer—NO. Landed property reſts not upon the metaphyſical and abſtract niceties of original right. It has its foundations, broad and firm, in the principles of general expediency; and, if the proprietor oppreſſes not the labourer, it matters not how the property

property was acquired ſix or eight hundred years ago. But aſſuredly theſe facts will ſhew, that *the property of the country is* NOT THE COUNTRY! and that *to ſay it is ſo, is to invite the ruffian hand of plunder, and to proclaim aloud to aſſaſſins and depredators,* " *murder but the proprietors, and ſeize* " *their property, and you ſhall have a right to diſpoſe of* " *the people as you think fit: you ſhall be Lords* " *Paramount, Rulers and States; and thoſe whom* " *you oppreſs and plunder ſhall thenceforth politically be no-* " *thing!*"

This concluſion, I contend, reſults from Mr. B.'s principles—for if the Gothic cuſtumary were the fountain of right, and the property of the country were the country, then property obtained according to the manner in which, under the Gothic cuſtumary, it was obtained, would be rightful property; and, accordingly, would transfer the right of nationality and government. In other words, plunder and devaſtation would be the only legitimate title to dominion. At this rate, if the preſent rulers of France were that " gang of " thieves, houſe-breakers and aſſaſſins," which Mr. B. repreſents them, their right to govern the French nation would be ſo much the more ſacred. But I deny all this. I affirm that, *not the property, but* THE PEOPLE ARE THE NATION. If the preſent government of France was made by the French people, it is a legitimate government. If it was not made by the people, it is an uſurpation.

tion. At the ſame time, however, legitimacy or uſurpation is nothing to us—They muſt ſettle it among themſelves. It is more to our purpoſe to mark the chains upon chains that theſe feudaliſts are twiſting around our limbs.

The people are nothing, it ſeems, " for the " property of the country is the country"—talents are the bounden vaſſals of property, and " the revolt of enterpriſing talents againſt pro- " perty, is Jacobiniſm:" nay, even property itſelf is to be the obedient and " laborious ſlave " of virtue and of public honour"—that is to ſay, according to Mr. B.'s mode of ~~calculation~~ interpret, of " the ſtates, privileged claſſes, orders and diſ- " tinctions, drawn from the old Germanic or " Gothic cuſtumary! "

Into what labyrinths of tyranny would theſe ſophiſts lead us, ~~my fellow citizens~~? How much leſs than nothing, would they make that great laborious maſs who are, indeed, the fountain of their proſperity—the real ſource of all their borrowed ſplendour? But it is not the barbarous cant of antiquity that can now enſlave us. We, alſo, can appeal to the facts of hiſtory—We can appeal ſtill further—to the firſt dictates of nature and the principles of eternal juſtice. Guided by theſe, we are enabled to diſcover, that " the " Gothic cuſtumary, with all its emanating feu- " dal inſtitutions," to which Mr. B. would refer as the ſtandard of all political and moral right,

was

was indeed the very perfection of military barbariſm—the conſummation of the uſurping *Tyranny of Force*. By the ſame lights we are, alſo, enabled to diſcover, that all the exiſting liberties of Europe are but ſo many innovations upon this tyrannical ſyſtem. As " in the progreſs of ſo-" ciety, arts and ſciences diffuſed *new lights*," thoſe innovations ſucceſſively aroſe ; and, though oppoſed by the perſecutions of power, and the ſenſeleſs howl of prejudice, the growing intellect of man demanded a correſpondent emancipation, and innovation triumphed over eſtabliſhed barbariſm!

Similar cauſes will continue to demand, and ſimilar energies cannot fail to produce, ſimilar effects. *Freſh innovations are again required!* We have arrived at a new and grand æra of human intellect. The preſs, that great luminary of the moral and political world, has diſſipated, in a conſiderable degree, the fogs and miſts of our dull atmoſphere: knowledge has penetrated, as it were, the flint walls of laborious poverty; and enquiries have been awakened which no opiate can lull again into effectual ſlumber. In ſhort, the altered circumſtances of ſociety, render ſome alterations neceſſary in exiſting ſyſtems. Such alterations muſt be made ; and they will. In vain would freſh mounds and dams reſtrain the ſwell and progreſs of enquiry. The waters are riſing ; the fountains are inexhauſtible ; they demand

demand a wider channel. Happy ſhall it be for thoſe governors, who, yielding to the current of the times, ſhall clear the way for gradual reformations, ere the flood of popular opinion ſwell too high, and the congregated torrents, foaming, and burſting over their confines, ſpread, far and wide, the waſting inundation.

END OF PART THE SECOND.

SHOULD public countenance encourage the author to proceed, a third part of this work is intended to be publiſhed in four or five weeks; which, it is preſumed, will not conſiderably, if at all, exceed the dimenſions of the preſent. The materials, however, are copious; the ſubject important; and though compreſſion is deſirable, omiſſions might maim the whole. It may however be neceſſary, for more reaſons than one, to conclude with the ſeventh letter. To point out the means (however benevolent) of political improvement, is not always ſafe and practicable: and it is not only a duty to ſpeak the truth; but it is alſo a duty to ſpeak it at ſuch times, and in ſuch manner, as may be moſt conducive to public benefit.

The heads of the remaining part are as follow:

LETTER V. The Mercantile and Manufacturing Syſtems. I. *Innovations on the Feudal Syſtem—Diſtinction between Slavery and Servitude—Relics of Slavery.* II. *Origin of Merchandize*—1. *Barter of Natural Produce*—2. *Of Artifical.* III. *Manufactures.* 1. *Their genuine Principle*—2. *Perverſion—Influence on the Maſs.* IV. *Rate of Wages—Combinations of Capitaliſts—Laws againſt Combinations of Journeymen. Tyranny of Commerce.*

LETTER VI. The Funding Syſtem. I. *Diſcordant Intereſts and Common Principle of Feudaliſt and Capitaliſt.* II. *Revenue—Commerce an Object at once of Protection and Plunder—Corporations, Patents, Monopolies.* III. *The Funds—Paper Credit—Union of Feudal and Commercial Tyranny.* IV. *Syſtem of Corruption—Its Progreſs—Ravages on Human Happineſs and Virtue—Preſent State of Society.* V. *Proſpect of Diſſolution of the Funding Syſtem—Claims of the Stockholder vindicated—Means of Indemnity.*

LETTER VII. Cauſes of Popular Revolutions.—I. *Always preceded and produced by Revolutions againſt the People—Inſtances*—1. *From Ancient Hiſtory.*—2. *From Modern.*

Modern. II. *Influence of Science and Philoſophy in producing the French Revolution—Cauſes of the Progreſs and Bias of Literature.* III. *Cauſes of Exceſſes in France.* i. *State of Society and Morals*—1. *The Nobles*—2. *The Clergy*—3. *The Middling Orders*—4. *The Populace—Parallel from Dion. Hal.* ii. *Errors and Viſionary Pride of the Literary (or Briſſotine) Party—Cauſes of theſe.* IV. *Means of avoiding Revolutions, or leſſening their Horrors.*

LETTER VIII. Idea of an improved State of Society. I. *Governments ought to be ſimple—Objects of Complexity.* II. *Practicability of improving the State of Man—Proved.* 1. *From Argument*—2. *From Hiſtory*—3. *From preſent State of Society.* III. *Means of Improvement.* CONCLUSION—*Peace, Fraternity, and intellectual Advancement (not Ambition, Wealth, and Grandeur) true Sources of National Happineſs.*

IT may not, perhaps, be improper to ſubjoin, in this place, the following brief ſtatement of facts:

At the beginning of the year 1794, ſeveral perſons, active in the cauſe of Parliamentary Reform, wiſhed for a place (independent of tavern-keepers and licences) which could be uſed for public meetings, and other political purpoſes. They ſubſcribed their names, accordingly, for annual ſums, to diſcharge the rent; and the premiſes, No. 2, Beaufort Buildings, were fixed upon: it being ſuggeſted, by the firſt propoſers, that J. T. ſhould have the uſe of the houſe and lecture-room, without burthen or pecuniary hazard: to which it was added, that if he had the hardihood to brave the perſecutions which his lectures would inevitably produce, he ought not to be expoſed to the danger of any other incumbrance. In conſequence of this, and upon the faith of the above ſubſcriptions, an active patriot and zealous friend of J. T. took the leaſe, and made himſelf reſponſible for the rent: *i. e.* for £. 132 a year, and all taxes. The premiſes were uſed for the political purpoſes intended; and for that uſe J. T. was tried for his life: a material part of his

his caſe being that moſt of the meetings, by a ſtrange abuſe of terms called *treaſonable*, were held at his houſe: *i. e.* at No. 2, Beaufort Buildings. But circumſtances have ſo turned out, that J. T. has been left to the option of either paying the rent, &c. himſelf*, or throwing the burthen upon the ſhoulders of the friend who had rendered himſelf legally reſponſible. While the means were in his power, juſtice and honour forbade him to deliberate. He has ſuſtained, without a murmur, the heavy burthen, till every reſource is exhauſted. The conſequences of ſuch an incumbrance muſt be evident, when it is recollected that the premiſes have been nearly three years upon his hands; and that, during that time, for ſeven months, only, (the ſpace taken up by two courſes of Political Lectures) they have been productive of any emolument. But this is not the only burthen that has fallen upon his ſhoulders. In his zeal for diffuſing political knowledge, he publiſhed his political lectures in a weekly paper (the Tribune) at ſo low a price that a wide circulation was neceſſary to defray the mere expences. It had, for a conſiderable time, a circulation that demanded an edition of 2,000 copies. But after the paſſing of the two late bills, the bookſellers, in general, became afraid to execute orders for this, or any other of J. T's works; and thus was between £. 3 and 400 worth of ſtock thrown dead upon his hands. Over this ſtatement ariſtocracy may exult, and moderatiſm glance with indifference: but the author appeals to that principle of Juſtice which ought, above all things, to actuate the friends of liberty, whether under ſuch circumſtances, he is not entitled to ſome countenance in the proſecution of a work by which he is ſtruggling at once to advance the public cauſe, and emancipate himſelf from the embarraſſments thus produced.

December 19, 1796.

* A part of the ſubſcribers paid their firſt ſubſcription: but to an amount ſcarcely exceeding the expence incurred before J. T. was, in reality, put into poſſeſſion of the premiſes.

30 MR 64